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ABSTRACT

This document discusses priority problems and identifies possible solutions with regard to the existing system for delivery of services to children and youth. The study involved 250 individuals representing child and youth services throughout the state of California. Each task force study focuses on one major subject area relating to young people: (1) coordination of public and private service for children and youth; (2) education; (3) public attitudes; (4) child advocacy; (5) juvenile Justice; (6) financing of services; (7) problems of training young people for employment; (8) changing family structures; (9) health services; (10) child protection; and (11) child care. Recommendations presented for improving child services include: (1) a review of priorities by the federal government in conjunction with complete renovation of their budget systen; (2) uniform standard programs at the state and county level; and (3) more emphasis on treatment as opposed to prevention. (Author/EK)

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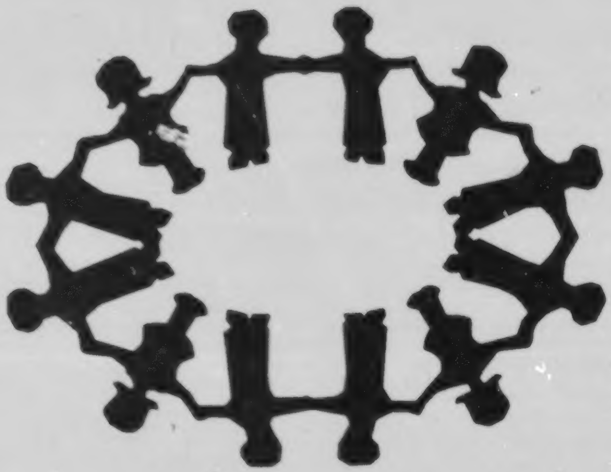

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WHO CARES ?

A PROGRESS REPORT ON THE CALIFORNIA ASSEMBLY SYMPOSIUM ON SERVICES TO CHILDREN AND YOUTH

MARCH 1974

ASSEMBLY OFFICE OF RESEARCH

CALIFORNIA LEGISLATURE
SACRAMENTO

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A Progress Report Containing Reports from the Task Force Studies, California Assembly Symposium on Services to Children and Youth

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CONTENTS

Page

LETTER OF TRANSMITTAL ii

SYMPOSIUM STEERING COMMITTEE iii

INTRODUCTION 1

SEVEN PROPOSITIONS REGARDING THE RIGHTS OF YOUNG PEOPLE 6

SUMMARY OF TASK FORCE FINDINGS AND RECOMMENDATIONS 7

TASK FORCE REPORTS

- SERVICES COORDINATION I-1
- EDUCATION II-1
- PUBLIC ATTITUDES III-1
- CHILD ADVOCACY IV-1
- JUVENILE JUSTICE V-1
- FUNDING VI-1
- EMPLOYMENT VII-1
- FAMILY STABILITY VIII-1
- HEALTH IX-1
- DEPENDENCY AND NEGLECT (Health Subcommittee) X-1
- CHILD CARE XI-1

APPENDIX

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March 18, 1974

Honorable Bob Moretti
Speaker of the Assembly
Room 3164, State Capitol

Dear Mr. Speaker:

In June 1973, you charged the California Assembly Symposium on Services to Children and Youth with obtaining a comprehensive picture of how the system for services to children and youth is viewed by the public and resource people in the field. In addition, the Symposium was to identify priority problems in these services for further study.

After several months of intensive study with 250 involved individuals representing children and youth services throughout the state, we have determined that the basic problems are only partially within the structure of the system. From the task forces organized around the problems identified at the June 23rd workshop in Sacramento, however, there emerged a degree of consensus regarding the need for structural reorganization of certain aspects of the existing system to facilitate delivery of services to children and youth.

The enclosed Task Force reports identify priority problems and suggest recommendations for solutions. During the latter part of our study the Symposium has also been concentrating on developing the recommendations from the Task Forces into legislation. These proposals will appear in a forthcoming report.

We hope this report will be of value to you in your efforts to improve services to California children and youth.

Respectfully yours,

Arnold York, Chairman
Steering Committee
Assembly Symposium on
Services to Children
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AY:bp

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Respectfully yours,

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INTRODUCTION

This is a report about children. More than 200 people helped to write it. They included parents, teachers, social workers, doctors, writers, legislators, bureaucrats, and young people themselves from all over the State of California.

What they have written are eleven statements on what is happening -- and not happening -- in some important areas of our children's world in the 1970's.

Most of these reports, but not all, are about public services for children in California because that was where it started. It began with the first reaching out by mothers who found no child care services available for their children when they needed to go to work, by parents with handicapped children who found their babies' problems did not fit conventional definitions for care, by the parents who had to declare their children unwanted in order to get them needed treatment, by professionals who privately admitted that some children coming in contact with services that did exist were not helped at all and sometimes harmed in tragic ways.

These voices began to be heard in meeting rooms throughout the state as people with a problem began to seek each other out to discuss what was happening and what could be done. Neighborhood clubs, parent associations, professional groups and many others began to consider the "child" issues which troubled them most: health, care, education, employment, justice. And in the midst of all this someone pointed out that the children themselves were not being heard; they needed an advocate and they needed the right to speak for themselves.

In May 1973 Assembly Speaker Bob Moretti responded to these voices by creating a bipartisan Assembly Symposium on Services to Children and Youth to provide a statewide forum for the many groups pressing for change. He wanted the Symposium not only to evaluate existing children's services but also to recommend improvements. He appointed eighteen interested and outstanding Californians to lead the work as a steering committee.

The Symposium divided its work into five phases stretching over a 16-month period. The first period was devoted to gathering facts and statistics to help define the issues. These were then discussed at the end of June in a statewide workshop which 300 people attended and which marked the second phase of the project.

The workshop reported that California now spends more than $4 billion annually to feed, educate, punish, shelter and care for children. They noted that these funds all too often were spent in uncoordinated, duplicated, wasteful, and ineffective services. The workshop participants identified hundreds of problems needing attention and after some study they were grouped in ten major study areas. An eleventh was added later. Each of these became a subject of a project team or task force and it is their reports -- the culmination of phase three -- which you are reading now.

Although the Symposium was set up in the beginning to look at existing services and recommend ways to improve them, some members of the task forces began to conclude this was not enough. The amount of effort spent identifying problems in existing child service programs could indeed suggest that the services needed altering. The amount of effort needed, however, might also imply that the services were based on outdated or false assumptions about children, the educational process, cultural values, the role of the family, and many other relationships and attitudes. They began to realize that they could not define these problems with any degree of accuracy until they thought through what was real for themselves and for their children.

They knew that the slowly changing agrarian society in which young people expected and trusted parents and older people to give them working advice had been profoundly changed by the speed and diversity with which modern technology has permitted Californians to live. They also began to perceive that what previous generations thought was a melting pot is still a stew and that the middle-class dominated goal of homogeneity is giving way to an objective of multicultural, multiclass harmony.

Some concluded that in many ways the current approach of services to children and youth reflected a legacy left by our grandparents. While the trappings and emphasis may have changed, the basic premises were pretty much the same. When our grandparents were children, they expected to grow up, marry, have children, work and die -- all in a farm environment. Even at the turn of the century, the vast majority of work in this country involved the production of food. Today less than five percent of the people directly rely on the land for a living, but the manners and mores of a bygone agrarian society continue to dominate the political and educational programs in California and the nation.

Sixty years ago children were an economic asset. With infant and child mortality a high birth rate was just about necessary to keep even. In those days, too, chances were children would end up with the same parents they started with.

Children today grow up aware they are an economic liability, at least until they are nearly out of school. For some the liability persists much longer when they cannot find a job. Some may grow up a little guilty they were born at all in view of the current concern about over-population. Today, young people question whether they should have children of their own. And about one in four in California grow up with different, more or fewer parents than those who conceived them.

Before they reach the age of 18, one in five California children will have spent a part of their childhood dependent on the state's welfare system. That system continues to operate on the premise that people who do not work have little right to eat. Children cannot work, so they grow up seeing their parents, especially their mothers, demeaned because they cannot afford to feed their children. Others, neglected or rejected by parents driven by the need to earn a living, find themselves traded in a used-child market where no one trusts the product and the product cannot operate by itself.

Implicit in all of the task force reports is recognition of these problems. The Symposium Steering Committee saw that California must ultimately provide a mechanism for continuous examination of child-related issues in the larger social context. This will be the subject of a separate report by the Steering Committee.

We began by saying this is a report about children. This is also a report about survival -- the survival of a society in an unknown future -- and justice -- justice for all participants in that society, now and in the future.

As the work of the Symposium proceeded, some members also began to conclude that one of the faultiest parts we retain in our social value inventory is the attitude that children are passive property to be used and disposed of at the whim of an adult individual or institution. They asked why a child who is a person with a thumb and a brain should not have all the constitutional rights of any other American.

They felt it was time to assert that persons who occupy the status of children are people within the meaning of the Bill of Rights of our federal Constitution. As people, children are entitled to be viewed by government by the same standard as all other people. Therefore, if government applies a separate standard to persons who happen to be children, then government goes against the Constitution and institutionalizes an extremely arduous double standard. And so then it seems appropriate to seek out, and alter or abolish the laws, institutions and practices of government which impose or perpetuate separate standards for children.

The Symposium decided to draw up a bill of rights for young people which you will find below. It is not a report of any one of the task forces. It is seven sentences -- seven basic statements -- about the legal rights of children and is an outgrowth of the work and thinking of all the study groups. Therefore, the Symposium Steering Committee decided to include it in this report as a provocation to further concern and consideration of the issues it raises.

SEVEN PROPOSITIONS REGARDING THE RIGHTS OF YOUNG PEOPLE[1]

Young people have the right to notice, a fair hearing, and counsel in all administrative or judicial actions, whether civil or criminal, in which their personal liberty, health, or economic security are affected by governmental action.

Young people have the right to equal protection of law.

Young people have the right to free speech, press, peaceable assembly, and to freely exercise their religious convictions.

Young people have the right to be secure in their persons, houses, papers and effects against unreasonable searches and seizures.

Young people have the right to be free from the threat or infliction of corporal punishment.

Young people shall not be compelled in any criminal case to be witnesses against themselves.

Young people have the right to participate fully within the educational and governmental processes in the absence of universally applicable competency standards.

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[1] The issues underlying these propositions are more fully discussed in Appendix A.

SUMMARY OF TASK FORCE FINDINGS AND RECOMMENDATIONS

As you will notice on the contents page of this report, the task force studies each concentrated on one major subject area relating to young people, their parents, or caretakers. These were: coordinating public and private services for children and youth, education, attitudes of the general public toward services for children, speaking out (advocacy) for children who cannot make themselves heard otherwise, juvenile justice, financing services for children, problems of training and employing young people in a shrinking job market, child survival in changing families, health services and health education, helping children whose families do not protect them, and providing organized care for children whose parents need and want it.

Restructure State Services

All of the task forces of the symposium concluded that it is going to take comprehensive overhaul at the state level to improve our services for young people, to fit our care to children as they need it and not fit children to our needs as we care to.

Establish a State Agency for Child Services

In order to begin this process, these reports call for a state agency that will coordinate, review and evaluate these programs. This agency would gather data needed by policy-makers in order to effectively provide for the needs of youngsters, centralize records and planning, provide a clearinghouse of financial and program information for those who provide and seek child services, represent children's interests to the public, and assist with job development and employment training for youth.

Reform of Existing Services and Programs

As expected, the task forces also had many specific ideas about how to reform existing services and programs. The task force reports deal individually with these recommendations.

In the interim between the completion of the task force reports and the publication of this progress report, the Steering Committee has given attention to a number of the task force recommendations. These are discussed below. The task force making the recommendation and those pages of its report containing more information about it are indicated in parenthesis.

1. Some of our most important social functions are those we are least trained for or experienced in when we are called to perform them. Parenting is one of them. Develop a parenting education program for all students at the secondary level to help teenagers prepare for parenthood or for working with children. (Education, pp. II-8, 10; Family Stability, p. VIII-12)

2. Develop a statewide information clearinghouse on innovations and developments in education and child service programs. Program directors, in particular, but also parents, teachers and others need to know in a systematic and fairly accessible way proven approaches and techniques for solving a variety of

problems in organizing, managing, funding, coordinating, evaluating and stimulating services for children and parents. (Education, p. II-10)

3. Reorient high school graduation requirements to "competency levels" which would indicate not only mastery of traditional scholastic skills but ability to survive in a changing world. We should fund a pilot project to test this "survival ability." (Education, pp. II-10-11)

4. Require funding for longer periods than the usual one-year appropriation in programs providing services to children. The effect of extended time-lags between passage of legislation appropriating money to public programs and the receipt of that money by agencies providing the services has been particularly noticeable and burdensome in some programs for children and youth. (Funding, pp. VI-24-27; Employment, pp. VII-12, 48; Health, p. IX-24)

5. Present state regulations allow publicly supported community-oriented foster homes to care only for children six years of age and younger, while many older children need such care. Section 30015 of the State Administrative Code, Title 22, should be changed to permit these facilities to accept children ages 7-15 as well. (Services Coordination, pp. I-3, 15)

6. Many California youths in trouble with the law find themselves confronting a system of judicial, administrative and corrective procedures based on extremely subjective interpretations of the law. The discretionary powers given to the

courts by present law to aid the rehabilitation of the youthful offender has invited abuse. It has all too often allowed emotionally based decisions to determine the future of these youngsters rather than decisions based on the best interests of the youth. One of the principal causes of this problem is the language of Section 601 of California's Welfare and Institutions Code which is so vague as to permit almost any set of circumstances to determine who is an offender. This section should be reqritten to protect the children who may be judged under it. (Juvenile Justice, pp. V-7-9, 17)

7. A publicly-supported program of subsidies, tax benefits, or other incentives related to specific jobs should be developed to encourage expansion of on-the-job skill training programs for youth. (Employment, pp. VII-10-11, 14)

8. Tests for state and local civil service jobs have been found many times to require skills and knowledge inappropriate for, and frequently in excess of, those actually needed to perform those jobs. A recent Supreme Court ruling requires that all civil service tests be directly job related. Strategies would be developed to enforce this mandate. (Employment, pp. VII-48, 50)

9. In order to improve our health education programs for children, we need to evaluate health programs now conducted by our school districts and how well teachers are being prepared to teach them. (Health, p. IX-27)

10. How to help the student who drops out of school is a growing and increasingly complex problem. One of the hindrances to remedying it has been lack of money to investigate causes of non-attendance and provide for alternative educational approaches for these youngsters. Public schools in California now receive state financial support through a reimbursement procedure based on the average number of students attending classes daily (average daily attendance-ADA). This system should be changed to allow school districts to receive funds based on enrollment figures (which include absent students) in order that the districts would have additional funds to help dropout students. Such a change would also simplify accounting procedures for schcol districts. (Education, p. II-9-10)

11. Although some school districts have had successful programs for continuously introducing their staff to new material, techniques, and approaches, and while some individuals have always tried to do this for themselves as part of their personal commitment to their profession, practice statewide has been uneven and not always reliable. We should develop guidelines for a continuous in-service training program to update teaching skills. (Education, p. II-10)

12. Study existing approaches of on-going evaluation of educational programs and develop a plan for the participation of students and parents in these evaluations. (Education, p. II-10)

13. In order to develop better job-training programs for young people we need to know more about what kinds of youngsters need what kinds of jobs, what jobs they have now, the pay they receive,

and the extent to which this meets their actual needs -- in short a socio-economic analysis of youth employment. We should set up employment service centers for young people, expand work experience programs now available to many high school students to junior high schools as well, and develop strategies for involving community service clubs and business organizations in bridging the gap between school and work. (Employment, pp. VII-40-44)

14. We need to know more about the best methods of preventing (diverting) non-criminal juveniles from becoming criminals and of rehabilitating criminal youths to socially constructive and personally creative lives. A statewide study of diversion programs now in use should be undertaken and the data collected from this study used to set up comprehensive guidelines for diversion programs throughout the state. (Juvenile Justice, p. V-4)

15. In the process of providing the many public services already in existence for children we have allowed these programs authority which has been used at times to transgress rights to privacy and due process of youth and their families. On a statewide basis we should find whether California's various programs actually protect and support the constitutional rights of children and their parents. (Child Advocacy, p. IV-8; Juvenile Justice, pp. V-9-10; Family Stability, p. VIII-3; Dependency and Neglect, pp. X-3-6)

Studies to Further Restructuring Process

Many of the task forces which recommended state level restructuring of services to children also recommended additional studies in order to further the rebuilding process. Some of these studies will take more time than others. The Symposium Steering Committee is developing plans for creating a mechanism for conducting such research.

The studies and the particular task force which asked for them (indicated in parentheses) are listed below. The studies are to:

1. Find out how effective existing services for children and youth in California are and how much these services cost per child. It was suggested that this study be conducted on a statewide basis by the Legislative Analyst. (Services Coordination, pp. I-16-17)
2. The number of children not living with two adults, both of whom are the biological or one of whom is a step-parent, is estimated to be between 10% and 15% of all children under 18 in California. Since more than half of these families are receiving some form of public assistance, we need to know more about the needs of single-parent families. (Family Stability, pp. VIII-14-15)
3. Find out what Californians think about providing public services for children; what are the feelings and opinions which encourage or inhibit provision of useful services. (Public Attitudes, p. III-9)

4. Determine what our collective goals for children are, and to this end analyze what services children in this state need, what services should have priority, and what criteria need to be developed in order to evaluate and monitor programs serving the children's needs. (Funding, pp. VI-4-6)

5. Study what resources the State of California and its counties have to pay for child services, how much they are spending now, and what methods they can use to acquire more funds for these programs. (Funding, pp. VI-4-6)

6. Develop a coordinated state-level plan to ensure that programs actually give the services that taxpayers and people who use these services are paying for. (Funding, pp. VI-4-6)

7. Survey the statewide needs of children and their families to determine what must be changed to improve special and career education of children, involve parents in their children's education, and ensure that schools respond to the cultural needs of communities they are supposed to serve, that educational alternatives exist within communities if schools cannot meet these needs, and that state laws and regulations support creative teachers and inquiring students. (Education, pp. II-10-11)

8. Determine how services can be made available on the basis of family need through broad and flexible eligibility criteria, rather than through narrowly construed legal requirements. (Services Coordination, p. I-5; Child Care, p. XI-10)

9. Set up a reliable system of collecting information on the needs of those receiving children's services in order to let

policy makers know that changes may be in order. (Services Coordination, p. I-15; Child Advocacy, p. IV-8; Juvenile Justice, p. V-14; Employment, p. VII-15; Family Stability, p. VIII-4; Dependency and Neglect, p. X-6)

10. Determine the advantages and disadvantages of coordinating and monitoring at the state and/or regional level all programs serving California's children and youth. (Services Coordination, p. I-5; Funding, p. VI-57)

11. Find out if it is economically possible to make publicly supported and supervised child care available to anyone needing it regardless of income level. (Family Stability, p. VIII-15; Child Care, pp. XI-8-9)

12. Study the impact on private agencies when public agencies "refer" children for services and only pay part of the service cost but pay all the cost when the "referral" is sent to another public agency. (Funding, p. VI-30-34)

13. Find a way to simplify grant application procedures. (Funding, p. VI-53)

14. Study what must be done in order to develop a comprehensive health services program for youth and their families that will include prenatal diagnosis, genetic counseling and identification of mothers likely to have problems in pregnancy, delivery, or whose children may be born with defects. (Health, pp. IX-9-13)

15. Study what portion of primary, preventive and referral treatment is being provided children and their families by

California's health agencies and find if and how these services are followed-up and evaluated. (Health, p. IX-14)

A third report dealing with specific legislative proposals and position statements of the symposium will be forthcoming.

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SERVICES COORDINATION TASK FORCE

ASSEMBLY SYMPOSIUM ON SERVICES TO CHILDREN AND YOUTH

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SERVICES COORDINATION--TABLE OF CONTENTS

		Page
I.	SUMMARY OF FINDINGS AND RECOMMENDATIONS	I-3
II.	INTRODUCTION	I-5
III.	OVERVIEW	I-7
IV.	RECOMMENDATIONS	I-13
	A. Youth Involvement	I-13
	B. Process Decisions	I-13
	C. Interagency Coordination	I-14
	D. Licensing of Foster Care Facilities	I-15
	E. Commission on Children and Youth	I-15
	F. Legislative Committees	I-17
	G. Statewide Study	I-17
V.	APPENDICES	
	A. Resolution on Establishment of Legislative Committees	I-19
	B. Resolution on Hearings and Legislative Action	I-21
	C. Possible State Level Structures for the Delivery of Child/Youth Services	I-25
	D. Accomplishment of Objectives	I-27

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS

To alleviate problems of unsatisfactory coordination and administration of child/youth services, the Services Coordination Task Force makes the following recommendations:

1. Youth Involvement

   - A high school intern program should be initiated by the Steering Committee to augment the College Intern Program which provided the Phase III Task Force Coordinators.
   - The Steering Committee should involve additional youth in the Symposium and on the Steering Committee itself. Specifically, the Steering Committee should invite representatives of the California Youth Coalition to participate in the Symposium.

2. Process Decisions

   - We do not want the Symposium's work to be only a report. Recommendations must include process decisions that will use all allies in implementing the Symposium's work. The Symposium's work must lead to deliberations which will be helpful to legislators. This process requires using existing help from groups and committees, such as the Senate Select Committee on Children and Youth, with its power to hold hearings.

3. Interagency Coordination

   - For interagency cooperation and coordination, rules and responsibilities for specific services need to be more clearly defined. We recommend consideration of a model in which the service provider could work in another agency, yet remain within the budget of the parent agency; however, before either agency budget could be approved, agreements for shared personnel would have to be determined.

4. Licensing of Foster Care Facilities

   - Section 30015, Title 22, California Administrative Code, should be amended to include community oriented facilities for 7-15 children, to set realistic requirements, and to simplify rules.

5. Commission on Children and Youth

- The California Legislature should establish a Commission on Children and Youth (or some equivalent governmental body) by January 31, 1974.

6. Legislative Committees

- As per the Task Force's earlier resolutions, a joint committee or two select committees should be formed in the California Legislature to work in conjunction with the Commission.

7. Statewide Study

- The Legislative Analyst should conduct a statewide study of services for children and youth.

II. INTRODUCTION

Participants in the Assembly Symposium Problem Identification Workshop rated the problem area of unsatisfactory coordination and administration of services to children and youth as the high priority problem affecting California's children and youth. Included in this problem area are:

Poor communication between agencies.
Duplication of services.
Lack of economy and efficiency in delivery of services.
Lack of coherent objectives in service programs. Need for comprehensive and coordinated planning in child/youth services area. Need for evaluation and monitoring of existing programs.
Competition of agencies for funding.
Lack of community and youth participation in decision-making and in service delivery.
Insensitivity to cultural differences.
Rigid bureaucracy.
Need for community-based information and referral centers.
Lack of access to services, due to labeling and rigid categorization.
Non-protection of children and youth's rights in the administration of services.

Each workshop participant listed his goals for a system of services to children and youth. The goal listed the most times was: A coordinated and effectively administered comprehensive child/youth services commission or bureau.

Included in such a commission would be:

a) all needed child/youth services;
b) the coordination of other child/youth agencies;
c) the coordination with other community agencies;
d) an evaluation and monitoring of all services;
e) a consistent funding mechanism;
f) a quick response to child needs;
g) state standards for services; and
h) an ongoing information services.

Another priority goal listed by workshop participants was: The participation of parents and youth in the decision-making and service delivery of child and youth services.

On the basis of this data, the Assembly Symposium Steering Committee established a Services Coordination and Administration Task Force to investigate and make recommendations in these areas.

III. OVERVIEW

The lack of coordination of child/youth services is not a new concern. There are numerous studies and proposals addressing this issue.

The 1969 Legislative Program for Welfare Reform recommended:

> "The new Department of Social and Rehabilitation Services should limit its initial functions to increasing coordination and integration of existing service programs, as well as to maximizing fiscal resources before new programs are considered; in short, the department would create a new social service delivery system, not new services. Priority should be given to the expansion of existing pre-school education and the Children's Center program, and the high risk areas of the state should be the first to receive these services.
>
> "The Department of Social and Rehabilitation Services should be responsible for:
>
> 1. Evaluating the social service needs and facilities of communities, using modern opinion survey techniques to determine these needs and the priorities acceptable to the residents;
> 2. Providing technical assistance to communities in developing plans to meet service needs; and
> 3. Coordinating such planning on a statewide basis to achieve maximum use of available funds."

Also recommended was the establishment of

> "A Joint Legislative Committee to review and evaluate the organization, delivery, and effectiveness of services offered by the Department of Social and Rehabilitation Services. The Joint Committee should be authorized to spend up to $2 million for the purpose of contracting for research to the Legislature 18 months after the establishment of the new service delivery system by the Department of Social and Rehabilitation Services."

The 1972 Report to the State Assembly on Developmental Disabilities in California, prepared by Arthur Bolton Associates, identified many of the same problems that the Task Force found in examining child/youth services.

1. "State services for the handicapped [read children and youth] are disorganized, their efforts sporadic, and the results chaotic.

2. Disconnected services, different eligibility requirements, and inconsistent funding mechanisms result in duplication of costs and unmet needs.

3. Because services are structured around "categories" of need, some people [read children and youth] are eligible for a range of services unavailable to equally disabled persons [read children and youth] with different problems.

4. The lack of a uniform record-keeping system and inconsistent reporting results in the following information gaps:

   - We do not know *how many* people are currently served;

   - We cannot assess the total needs of handicapped people [read children and youth];

   - We have no cost-effective means of *evaluating* either the cost or the effectiveness of existing programs; and

   - We cannot structure our *priorities* for expenditures for the handicapped [read children and youth]."

The Report proposed a mechanism for integrating the service delivery system for the developmentally disabled, a proposal which the Task Force has considered for the child/youth service delivery system:

> "There are several approaches generally advanced to reduce the problems that stem from fragmentation. The first is "coordination." This approach is rarely effective and generally produces little or no change in the structure of the delivery system. Bureaucratic interests, statutory requirements, and ideological conflicts between agencies and the professional disciplines that control programs provide an unsuitable ground for joint planning. While communication and exchange of information between agencies is definitely worthwhile, to depend on "coordination" for the solution to structural weakness of governmental systems is to ignore the long history of failure of such efforts. In practice, everybody says *they believe in coordination -- but nobody wants to be coordinated*.
>
> "A second approach to integrating fragmented services is the "department store" philosophy. This simplistic agency-oriented

approach is characterized by shuffling service programs from one agency to another; or creating "superagencies" which group numerous departments of government under the supervision of a central "authority;" or efforts to achieve coordination by physically placing numerous programs under one roof in the hope that propinquity will produce harmony. Unfortunately, such structural changes deal only with the form and not the content of the system. From the standpoint of the client these bureaucratic maneuvers are largely irrelevant. He still must relate to numerous service entities, and there is no fixed point of responsibility to assure comprehensive and continuing attention to his problems.

"A basic flaw in this approach is that funds are allocated to agencies rather than to provide comprehensive services to individuals. As a result, the client has limited choices, planning is indirect (agency-oriented) rather than direct (client-oriented), and the result is an unbalanced and unresponsive network of services. Furthermore, because of the monopoly established in designated agencies, competition is eliminated and quality control is almost impossible to achieve. When the designated agencies are public agencies, the rigidities of the civil service system further compound the problems of securing innovation and quality control...

"...Regional centers provide an alternative to these approaches and with some alterations could become the basis for a new system for all the developmentally disabled /read children and youth/ -- and possibly other handicapped persons in the future. The regional centers are based on a totally different concept of carrying out public responsibility for the disabled. This concept is perhaps best known as the vocational rehabilitation model. The model is characterized by several unique features:

- purchase of service. The agency limits its direct services to intake, diagnosis/evaluation, referral, purchase of service, and follow-up.

- advocacy. The agency is responsible to see that the client gets what he needs.

- comprehensiveness. The agency is responsible to secure for the client all the services he may need.

- continuity. The agency is responsible for follow-up.

- accountability. The agency is responsible for the disbursement of public funds for a variety of services and for reporting the results of these activities."

The summary and recommendations of the Assembly Select Committee on San Diego Foster Care Programs 1973 Report on Status of San Diego Foster Care included the following comments by Mr. Kurt Reichert, Dean of the School of Social Work of the

California State University at San Diego:

"...It seems evident from the testimony presented at this hearing that no one single legislative or administrative measure could make a significant impact on the intricate problems of homeless children. There is no single major cause of these problems and no single cure and no panacea. The problems of homeless children are related to family life, community attitude, economic circumstances, health, education, legal provisions, to the gambit of human services touching the lives of children and family. These relationships are apparent in particular when one seriously considers what is involved in the prevention of homelessness.

"A preventive approach would have to reach many more children than those currently homeless, and would require the involvement and cooperation of many institutions and agencies. In fact, it is difficult to conceive a program geared specifically to the prevention of homelessness which would not, at the same time, help to prevent many other ills sapping the human potential of our children such as drug addiction, delinquency and so forth. Therefore, it would seem that what we need is a system of comprehensive services which will insure the maintenance of health and mental health of children and youth.

"Secondly, a broad range of remedial services for the seriously disturbed, juvenile delinquents, mentally retarded and otherwise handicapped children and their families. Thirdly, the development of an advocacy system to insure the effective implementation of these goals...

"Among the key recommendations of the Commission (the Joint Commission on Mental Health of Children authorized by the United States Congress), is the creation of a Child Development Authority; the Authority would serve as a coordinating, planning and policy-setting body for all human services related to children. It would have a major concern with quality of care and treatment and with improving delivery of services. The authority would establish a planning mechanism responsible for selecting and integrating information required for effective planning for children and youth.

"I think you have already seen quite plainly that information, baseline information, is woefully inadequate as a result of our fragmentation. The authority would keep informed about federal, state, local and public and private programs for children and youths, and about manpower needs and projects. It would initiate organized child development councils in neighborhoods, and be responsible for the management, planning and coordination of such councils in these auspices..."

The lack of coordination, as demonstrated in the preceding excerpts, has been documented, recommendations have been made, and little action has resulted. There is no clear accounting of the funding of child/youth services. There exists, to the Task Force's knowledge, no description of an effective and comprehensive child/ youth service delivery system. As others have suggested, it is questionable if there is such a system. The current non-system cannot, within the time limits of the Task Force, be accurately explained or evaluated. It is inappropriate for the Task Force to propose a new system or recommend definitive changes in the old system without an appraisal of what now exists.

From this perspective the Task Force framed and forwarded two resolutions to the Steering Committee. (See Appendixes "A" and "B".) The first resolution called for action by the Steering Committee to cause the formation of legislative committees to provide for public hearings and further research on the Symposium's findings and on child/youth services in general after September 15, 1973. The second resolution endorses the formation of Senator Dymally's Select Committee on Children and Youth, urges the holding of hearings across the state with full participation of Symposium members and proposes initial steps to implement Symposium findings by inaugurating a statewide study of health, education, welfare and juvenile justice services for children and youth.

In the course of its study, the Task Force examined several structures which, at a cursory review, appear to offer the desired coordination of child/youth services at the state and local level. Without the further research and evaluation outlined in the Task Forces' recommendations it is inappropriate to endorse any of these structures. These state level structures are included as Appendix "C" for the purpose of later discussion.

On both the state and local level there have been few experiments that have attempted to address all the needs of children and/or youth. We have little data on the success of these models. Most individuals involved in our deliberations have indicated that they are not sure of what works, yet all have a sense of the direction the state must move to discover these answers.

From the Problem Identification Workshop data and individual acquaintance with problems of coordination and administration of child/youth services, the Task Force members listed a series of objectives which must be accomplished to alleviate the identified problems. These objectives are listed in Appendix "D" for purposes of further study. Some are included in our recommendations for immediate action.

III. RECOMMENDATIONS

A. Youth Involvement

At its first meeting, the Task Force forwarded a resolution to the Symposium Steering Committee requesting that the Steering Committee and the Task Forces make an active effort to recruit young people for involvement with the Symposium. Little youth involvement has come from this resolution. Therefore, the Task Force requests the following:

- That a High School Intern Program be initiated by the Steering Committee, to augment the College Intern Program which provides our Task Force Coordinators. High school interns would work with the Symposium, and arrangements would be made for them to receive high school credit for their involvement. Funds would be available for their travel expenses.
- That the Steering Committee involve additional youth in the Symposium and on the Steering Committee itself. Specifically, the Steering Committee should invite representatives of the California Youth Coalition to participate in the Symposium. If remuneration is necessary to maintain a significant level of youth involvement, the Steering Committee should appropriate funds from its budget for such a purpose.

B. Process Decisions

The Task Force has felt an urgency about certain of its recommendations and concern about the Symposium process. We do not want the Symposium's work to be only a report, left, as many other studies, to someone else to implement. The specific recommendations from the Steering Committee and all task forces must include decisions and recommendations that will use all allies in implementing the Symposium's work. The Symposium's work must lead to inaugurating deliberations which will be helpful to legislators.

This process requires using existing help, such as the Senate Select Committee on Children and Youth with its power to hold hearings. Leadership from the Steering Committee is necessary for movement in this direction.

C. Interagency Coordination

In the area of interagency cooperation and coordination, the Task Force believes that rules and responsibilities for specific services need to be more clearly defined. A child or youth ought to be able to obtain the service he needs in a wide variety of settings, but the service should be performed by competently-trained educators, mental health workers, social workers, rehabilitation specialists, physicians, speech therapists or other professionals.

We recommend consideration of a model in which the service provider could work in another agency, yet remain within the budget of the parent agency. Before either agency budget could be approved, agreements for shared personnel would have to be determined. Examples of this model would be having the school district provide teachers to Juvenile Hall, children's residential centers and other child care institutions or having mental health workers funded by Short-Doyle working within Juvenile Hall. The juvenile department would have to agree to the placement of the specific individual teacher or mental health worker. Agencies would be prohibited from hiring their own specialists as a way of avoiding cooperation and coordination.

D. Licensing of Foster Care Facilities

Section 30015, Title 22, California Administrative Code, should be amended to include foster care facilities (community oriented) for 7-15 children. Such facilities should not be eliminated because they are governed by regulations controlling large institutions.

A new definition for group homes, capacity under 15, should be added to Title 22.

If Title 22 is to be effective, those responsible for administrating the title should have the authority and legal power to enforce compliance and to eliminate those facilities which do not conform.

E. Commission on Children and Youth

The California Legislature should establish a Commission on Children and Youth by January 31, 1974. The Commission should consist of 51% citizen membership (youth, parents, professionals), and 49% governmental and child/youth serving agency membership. There should be 18 voting members. The Governor, the Speaker of the Assembly, and the Chairman of the Senate Rules Committee shall each appoint six members. The Commission would not offer any direct services, except through its pilot studies. The Commission would be charged with the responsibility to:

1. Describe, evaluate, and report on existing patterns of services to children and youth, their families and caretakers,* including a focus on funding and on inadequate or duplicated services;

---

*Caretakers are foster parents, foster homes, schoolteachers, ministers, probation officers and social workers.

2. Specify goals and objectives of services to children/youth, their families and caretakers;

3. Develop legislative, administrative and fiscal strategies for achieving goals;

4. Study and determine areas of agency responsibility for children and youth.

5. Fund and evaluate community-level models of integrated-coordinated child/youth service systems and monitor existing models.

6. Develop, fund and evaluate community-level comprehensive child/youth services information and referral agencies on a pilot basis;

7. Require, in its pilot projects, significant youth and community participation in decision-making and service delivery; and to

8. Review and monitor a plan for the evaluation of child/youth services and related services, such as health, delinquency prevention, child care, and education, within pilot study areas, to be developed and administered by an appropriate executive state agency. The plan would include pilot area commissions made up of 51% consumers served and 49% agency and governmental representatives. This pilot area commission shall be empowered to monitor and participate in an evaluation of delivery of child/youth services and related services through local agencies to the consumer, examining such areas as access, continuity, delivery, and quality of personnel (professional and human), which will include consumer evaluations. The entire evaluation would be conducted by an independent third party, and the pilot area commission would report the findings of these evaluations to the pilot area County Board of

Supervisors and the State Commission. The State Commission will recommend and approve the level of funds allocated to these agencies based upon the pilot area commission and the consumer rating of agency delivery of these services.

The Legislature should provide the Commission with funds necessary to obtain a sufficient staff of technical experts to complete its job.

The State Commission would, at the direction of the Legislature, assume other responsibilities related to issues of importance to the state's children and youth.

The Legislature would establish a time-line for the reporting of the Commission's funding over a two-year period, with reports being made to the Legislature and the public. Six months before the end of the Pilot Studies and Model Projects, the directors of the appropriate state executive agencies and the director of the Commission would report the findings and make recommendations to the Legislature so that the Legislature may incorporate these findings and recommendations in a statewide plan for the delivery of child/youth and related services to be developed by January 1, 1976.

F. Legislative Committees

The Task Force recommends, per its earlier resolutions, the formation of either a joint committee or two select committees in the California Legislature to work in conjunction with the Commission.

G. Statewide Study

To provide information to the Commission regarding the extent, effectiveness, and the program and unit of service costs of all publicly funded child/youth services, we propose that a statewide study of services for children and youth be conducted by the Legislative Analyst, and that the Steering Committee formally request of the legislative members of the Steering Committee that those legislative steps be taken which are necessary to accomplish this study, including the provision for state funding of, and staff support for such a study by the Legislative Analyst's office on or before March 15, 1974.

APPENDIX A

RESOLUTION ON ESTABLISHMENT OF LEGISLATIVE COMMITTEES

August 20, 1973

MEMORANDUM

TO: Children's Services Steering Committee

FROM: Coordination and Administration of Services Task Force

RE: Resolution on Establishment of Legislative Committees

The following resolution is for Steering Committee consideration August 23, 1973:

WHEREAS, The Coordination and Administration of Services Task Force anticipates making recommendations for specific legislation; and

WHEREAS, Other Symposium Task Forces are making progress toward the same end; and

WHEREAS, A public review of the Task Force recommendations is desirable; and

WHEREAS, The involvement in and commitment of state legislators to the Task Force proposals is critical to their adoption; and

WHEREAS, The Task Force Coordinators will not be available as staff to the Symposium after September 15, 1973; and

WHEREAS, The State Legislature plans to adjourn September 15, 1973 for interim study; now, therefore, be it

Resolved, That the Coordination and Administration of Services Task Force directs the Symposium Steering Committee to request the formation of either a joint committee or two select committees on children and youth in the California State Legislature; and be it further

Resolved, That this effort be made immediately so that a legislative vehicle is available to hold public hearings and conduct further research, as appropriate, on the recommendations of the Task Force groups; and be it further

Resolved, That this legislative vehicle, or vehicles, be organized to work closely with the Symposium and be prepared to present its findings to the Legislature, in the form of legislative proposals, on or before January 1, 1974.

Services Coordination and Administration
Task Force

Mark E. Ryavec

by Mark E. Ryavec
Task Force Coordinator

Members:
Deborah Aguado
Hanna Bauer
Bill Blakeney
Dr. Marie Boylston
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John Robbins
Mrs. Lawrence A. Schei
Rev. Peter P. Staviski
Warrington Stokes
Keith Thompson
Rebecca E. Mayes
Bruce Baumeister
Bob Buckenmeyer

APPENDIX B - RESOLUTION ON HEARINGS AND LEGISLATIVE ACTION

RULES COMMITTEE
John L. Burton
Chairman

Robert H. Burke
John F. Dunlap
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September 10, 1973

MEMORANDUM

To: Arnold York, Steering Committee Chairman
Symposium on Services to Children and Youth

From: Burton Housman and Alan Leavitt, Co-Chairmen
Bruce Baumeister, Steering Committee Member
Services Coordination/Administration Task Force

Re: Resolution on the holding of public hearings by the Select Committee on Services to Children and Youth of Senator Mervyn Dymally and on legislative action to mandate the Legislative Analyst to conduct a statewide study on the delivery of Child and Youth Services through public agencies throughout California in conjunction with and as a continuation of the stated purpose of the Symposium on Services to Children and Youth.

The following resolution is for Steering Committee consideration:

WHEREAS, A Senate Select Committee on Children and Youth has been established by Senator Mervyn Dymally; and

WHEREAS, Information about the types of child and youth services delivered through State and County agencies, the kinds of delivery systems employed, standards for licensing facilities delivering these services, the funding sources for these services and the follow-through to determine the effectiveness of the delivery of these services to the client is necessary; and

WHEREAS, The Symposium has gathered specialists on various child and youth services throughout the State who would become a valuable resource to coordinate and provide information to local, public hearings on child and youth services and thereby continue the purposes of the Symposium beyond September 15th; and

WHEREAS, The Steering Committee memorandum of August 29, 1973 agrees that greater legislative involvement is needed in the efforts of the Symposium; and

WHEREAS, The newly established Senate Select Committee would provide a continuous source of information to the Steering Committee after the legislative adjournment on September 15th and could enlist the aid of both Assemblymen and Senators from local areas during this adjournment period and thereafter; and

WHEREAS, The LegislativeAnalyst serves as an impartial agent to study and assess the costs, funding sources and the effectiveness of the delivery of these services administered through government agencies and thereby would provide an essential service for and within the purpose of the Symposium itself; and

WHEREAS, No statewide study has been conducted of the extent, effectiveness, program and unit of service costs of all publicly funded services to children and youth, although numerous State and local studies of specific types of services are available and point up the lack of coordination and duplication between and among governmental agencies and have not been effectively used or their recommendations implemented; and

WHEREAS, The Symposium's concerted and single-minded effort is to examine services to children and youth and to recommend corrective action for possible legislation and the Symposium participants want its findings and recommendations to result in effective change; and

WHEREAS, The Task Forces established by the Symposium have provided goals against which the present delivery of services to children and youth could be measured and assessed; and

WHEREAS, the Legislative Analyst could utilize the information generated through the Symposium and public hearings held on the local level in conducting its study; and

WHEREAS, The Coordination and Administration of Services Task Force wishes to underline the urgency of the following resolutions which will be included in the full report of the Task Force; now, therefore, be it

Resolved, That the Coordination and Administration of Services Task Force directs the Symposium Steering Committee to request that the Select Committee established by Senator Mervyn Dymally hold public hearings, utilizing the Symposium specialists and others drawn from local areas and participating within the Symposium to organize and serve as staff members to such public hearings during the period of adjournment and thereafter; and be it further

Resolved, That the Symposium Steering Committee propose that a statewide study of services for children and youth be conducted by the Legislative Analyst, incorporate as a minimum the items detailed above, and that the Steering Committee formally request whatever legislative steps be taken as are necessary to accomplish this study from the legislative members of the Steering Committee itself, including the provision for State funding of and staff support for such a study by the Legislative Analyst's Office on or before

March 15, 1974 of this legislative year; and be it further

Resolved, That the Steering Committee make direct contact with, welcome the formation of and work with said Select Committee for Children and Youth established by Senator Mervyn Dymally.

APPENDIX C

POSSIBLE STATE LEVEL STRUCTURES FOR THE DELIVERY OF CHILD/YOUTH SERVICES

Listed below are four possible state level structures for the delivery of child/youth services:

1. A Department of Children and Youth Services, located in the Health and Welfare Agency, would administer all services that the state now provides for children and youth. Such a department would have strong ties to the Department of Education. The precursor of this proposal is detailed in A Statewide Program for Children and Youth Services, by Alan F. Breed, Department of the California Youth Authority, 1972.

2. A "Child and Youth Services Agency" would be established that either contains all the current child/youth and related services, or acts as a broker for such services. As a broker, this agency would contract with other departments for services and evaluate the services rendered, modifying or discontinuing contracts as needed, in an effort to obtain quality care for children and youth. Such an agency would be responsible for all funding of child/youth services and for monitoring and assessing a statewide delivery system. Again, there would exist strong ties with Education, possibly with the agency funding certain services through Education.

3. An Agency would be established to include all state child/youth services and programs, including Education.

4. A Child and Youth Advocacy Commission would be formed to operate as an ombudsman on behalf of children and youth.

There are precedents in other states for these possible structures. Idaho has an Office of Child Development. A State Department of Children and Youth has been established in Connecticut. North Carolina has had an Advocacy Commission operating for two years.

Possible Local Structures

The Task Force also examined local-level models for coordination of services. The most fully developed model appears to be the Youth Service Bureaus, which were originally developed as juvenile delinquency prevention and diversion experiments. They operate in several localities in California. The predecessor to the Youth Service Bureau is the Youth Service System, which instead of providing all needed services as the former does, contracts with other community agencies, and then follows each youth to see that he/she obtains the needed service.

Another delinquency prevention experiment is the community schools experiment in Alum Rock Union Elementary School District, San Jose, California, which has some degree of coordination of local services. The 4-C program, a federally sponsored system under which local public and private agencies interested in day care and preschool programs develop procedures for cooperating with one another on program services, staff development, and administrative activities, is a poor model for our end. Both Contra Costa County and Los Angeles County have experimented with Multi-Service Community Centers. There are other examples of coordination of services at a local level, but most of the models are only partial answers for they rarely focus on the whole child, from prenatal through age 21.

APPENDIX D

ACCOMPLISHMENT OF OBJECTIVES

Objectives, which accomplished, would alleviate problems of unsatisfactory coordination and administration of child/youth services.

I. Establishment of Universal Services

- Services available on basis of need, not category.
- No tracking or categorizing of children, youth, or parents.
- Limits placed on court jurisdiction in child/youth cases.

II. Funding

- Percentage limit placed on administrative costs in child/youth services.
- Funding of open-to-all services.
- Reimbursement on performance basis.
- Consumer voucher payment of services.
- Reality funding, longer than twelve months.
- Money for alternative youth agencies.
- Subsidizing of grass roots, community-based service agencies.

III. Consumer-Client-Community Participation (in decision-making and service delivery)

- Youth involvement.
- Consumer participation.
- Accountability to consumer.
- Staffing of agencies from community.
- Mandatory ethnic hiring.
- Consumer voucher payment for service.

IV. Evaluation

- Setting of standards for child/youth services.
- Assessment of children and youth needs at community level.
- Community-Consumer-Youth participation in goal setting, monitoring, and evaluation.

V. Humanize Services

- Removal of administrative incompetence.
- Staffing of services from community.
- Not placing children and youth outside of their community.
- Mandatory ethnic hiring.
- Defining services required by children and youth.
- Defining children and youth's rights.

VI. Coordination of Services

- Force subcontracting.
- Force coordination.
- Remove duplication of services.
- Make services accessible.
- Inform consumer.

VII. Licensing

- Greater flexibility.
- Based on community needs.
- Marriage not a requirement for foster care.

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EDUCATION TASK FORCE REPORT

ASSEMBLY SYMPOSIUM ON SERVICES TO CHILDREN AND YOUTH

Carla J. Escobedo
Task Force Coordinator

EDUCATION TASK FORCE MEMBERS

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EDUCATION--TABLE OF CONTENTS

Page

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS II-3

II. INTRODUCTION II-4

III. OVERVIEW II-5

    A. The Task of Educating: A Definition II-5

    B. Establishing Priorities II-6

IV. RECOMMENDATIONS AND CONCLUSIONS II-10

    A. Administration II-10

    B. Graduation competence II-10

    C. Community-centered school II-11

    D. Parent involvement II-11

    E. Special education II-11

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS

The Education Task Force makes the following recommendations:

1. Administration
    - staff development by principals
    - information system
    - evaluation of programs
    - ability to implement local alternatives--following evaluation
    - funding based on enrollment
    - a revision of the Education Code
2. Graduation Competence to include:
    - student involvement
    - parenthood education
    - career education
3. Community Centered Schools
    - community as a classroom
    - resource base for services
    - library, parks, health services
4. Parent Involvement, advisory and participatory
5. Support Special Education Master Plan

II. INTRODUCTION

Education was one of the ten priorities selected by the Steering Committee of the Assembly Symposium on Services to Children and Youth. The Task Force on Education is composed of persons who are involved in education at different levels. These participants attended because of their dedication to improving the system. The task is to discuss issues in education, decide which ones to report on, and formulate resolutions backed by documentation.

III. OVERVIEW

A. The Task of Educating: A Definition

Any discussion of education brings people to the realization that there are many unmet goals. The process of education faces problems which are difficult to define. For a beginning, the Task Force on Education dreamed of what should happen through education. It was decided that the child should be able to obtain basic and creative skills which would enable him to advance with pride and dignity in society. This universal goal needs to be kept in mind when dealing with children. The Task Force directed itself toward this end.

There are many facets in helping a child grow. There is direct contact with the teacher, where attitudes and curriculum affect the student. Then higher levels of organization come into play. Principals and administrators have great influence on how learning takes place. There are the laws, and their creators, which determine which ideas will be implemented.

Items discussed by the Education Task Force included:

- teacher training, both pre-service and in-service;
- schools as resource centers, providing services for the whole community;
- parenthood education for students in secondary schools;
- allowing principals time for development of personnel;
- the need for career education that would provide students with experience and knowledge about the work world so they will be able to choose a job and/or career, instead of having an imposed one because they have not developed their interests or

talents, or do not know what is available;

- the need for involving youth in many facets of society, as well as in the community;
- the need to change the funding pattern from ADA to enrollment.

B. Establishing Priorities

Since the Task Force had discussed revising the Education Code, we asked John Yewell, Consultant to the Committee on Revision of the Education Code to advise us of the Committee's work to date. We learned that the Committee was to work with the existing code, deleting obsolete sections and reorganizing the contents. This procedure was not what we as a Task Force felt should be done for we had envisioned a much more comprehensive endeavor.

The Task Force had talked of revising the code in a way that would make it a permissive document rather than a mandative, or restrictive, code. When we found out what was actually being done, we felt that more should be done. But there needs to be a lot of work put into it. It would involve a study of the effects of the code, and other related research.

Gerald Hamrin, Consultant to the Office of Program Planning and Development, State Department of Education also spoke to the Task Force. Dr. Hamrin gave us a rundown of the Master Plan for the California State Department of Education which is now being developed. It seemed that the Department was going through the same process we were -- that of determining priorities. He mentioned Alternative Schools and individualized programs as the two most important things in education today.

This input was well and good, but we needed to know what was needed in the problem areas previously discussed by the Task Force.

Since this Symposium is about children and youth, we had discussed bringing student representatives onto the Task Force. This procedure would serve the purpose of advocacy, as well as supplying input from the consumer of the product, which is what the student is in education. The recommendation from the Services Coordination Task Force on involvement of youth brings up some good points. Youth make up a significant proportion of the population. There needs to be a method which will allow them to communicate their ideas and problems. If youths are involved, they have a chance to help solve their own problems. Another ramification of this method would be the educational and career-related benefits from such participation.

The involvement of youth gives us a first-hand view of what is wrong with the educational system. Take graduation requirements, for example. Some students see no use in them. They find it more interesting to work their way around them, and never meet the real challenge of education. Instead of requirements which are usually checklists for those entering college, there should be other standards for graduation. There could be a minimum standard of functioning, or a "competence level" necessary for graduation. These areas of competency could be determined by the skills that are necessary to get along in life.

Comprehensive career education is necessary for young adults to enable them to more adequately cope with their situation when they are out of school. A broad exposure, at an early age, to different structures in the community will increase knowledge and self-confidence, and will further provide direction for youngsters. Academic will blend with career education to make a total program.

Because children need to be taken care of effectively, and because there is no guarantee that every person who is a parent will have the skills necessary to raise a child, parenthood education is a must for the school system to provide.

Every child has the right to a free education, regardless of the nature or degree of any handicap he might have. Some of those children "unserved" by the educational system are those who are handicapped. It is necessary to fill in the gaps where there are unmet needs through special education. Individuals with exceptional needs shall be sought out and provided with an education appropriate to their needs through public education in California.

For a school to work as a school, there has to be coordination. The principal has the responsibility for the school, and, as such, is a manager of the resources there. To educate children efficiently, it is necessary to have a well-developed staff. Toward this end, it is necessary to have sessions where ideas can be communicated, and all the people can work with one goal in mind.

There should be a place for people of a community to go for all kinds of services. An ideal place would be the school, since it is one institution that everyone is affiliated with at some time in his or her life. Not only could people come to a community centered school, but also the school could serve as home base for students who would have the community as their classroom.

Many more resources would be available, and education would not be a separate institution, but integrated into daily living.

The problem of funding was discussed several times. Specifically, the Task Force felt that school income should come from enrollment figures, not average daily attendance (ADA). Another identified problem was miscoordinated, overlapping, and inadequate funds for children destined for special programs.

The Task Force saw a need for more input to evaluate what is going on in Education. Aside from the need for more communication between the schools and the community, there is the need for parent advisory involvement with pre-service and in-service training given to the parents. Bringing in the parents is all important because they are affected by the educational system.

Continuing from the preceding concept is the concept of local control of programs. This local control is necessary to enable the implementation of choices. Restrictive regulations should not preclude teachers from providing better learning experiences for their pupils. There should be freedom to teach as well as to learn. Choices in public education and local ability to implement these choices is essential.

To end the discussion of the problems, it is well to discuss some intangible roadblocks that face education. We must not deviate from recognizing that the child is what matters. Anything we do should be supportive of the child and recognize that the child is one segment of society. The educational system is for the benefit of the entire society. Lines of communication should be opened, both within the system, and between the system and the community. With this knowledge, programs could be better coordinated and reach more people.

IV. RECOMMENDATIONS AND CONCLUSIONS

The Task Force consolidated all its ideas into five areas and formulated the following recommendations:

A. Administration. 1) We recommend that staff development be implemented in the schools at a local level so there will ben an update of the skills required to educate. This will also allow administrators to choose teachers who will "fit" the particular school. This means providing extra time to work with the staff. 2) We recommend an information collection and dissimination system to keep abreast of innovations and developments that are vital to education. This needs to be done at and between the local and state levels. 3) We recommend a continuing evaluation of programs. 4) We recommend enabling the implementation of educational alternatives and allowing educators leeway in implementing programs at the local level. 5) We recommend that funds for public education be based on enrollment, not ADA. 6) We recommend a redrafting of the Education Code, a more substantial change than the revision that is now taking place.

B. Graduation Competence. We recommend that certain requirements which are met before a student graduates be called "competency levels," and that they include the following: 1) a program of parenthood education for all students at the secondary level to help teenagers be prepared for effective parenthood or for working with children, and 2) student involvement in such a way that there is student input in the evaluation of the teaching process, plus some kind of testing that will determine "survival ability" outside the strictly academic areas.

C. Community-Centered Schools. 1) We envision a broader concept of the school. A greater variety of learning experiences could be offered, with emphasis on learning from surrounding resources. 2) The center should provide the whole gamut of social, health, and recreation services for the community, with specialized personnel to deal with all problems.

D. Parent Involvement. We recommend information dissemination on the part of the schools for the purpose of involving parents. Parent education, involvement, and participation are a necessary part of the daily school program. Administrators and teachers should encourage parent involvement in classrooms and participation on a regular basis. Parents will then know what is going on in the classroom, give support in the community, and implement some of the learning principles in the home. This increased public awareness will provide input for the school. At a time when evaluation is needed, such a resource is invaluable.

E. Special Education. The Task Force supports the Special Education Master Plan, but recommends that child advocacy be incorporated into implementing the Plan. Those persons receiving the services of special education should have a say in what will happen to them. There would therefore be consumer evaluation of the Special Education services offered.

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PUBLIC ATTITUDES TASK FORCE

ASSEMBLY SYMPOSIUM ON SERVICES TO CHILDREN AND YOUTH

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PUBLIC ATTITUDES--TABLE OF CONTENTS

		Page
I.	SUMMARY OF FINDINGS AND RECOMMENDATIONS	III-3
II.	INTRODUCTION	III-4
III.	OVERVIEW	III-5
IV.	CONCLUSIONS	III-8
V.	MINORITY REPORT	III-10

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS

California services to children and youth often fall short of their objectives because of lack of information about the services and because of the erosive influence of negative public attitudes on the provision and use of services.

The Task Force on Public Attitudes recommends that the Legislature take the lead in developing policies and strategies which will assure greater communication with the public at large and with potential users of services to children and youth in particular. Such communication would develop an understanding and appreciation of the services and lead to a heightened value and a more effective use of those services.

II. INTRODUCTION

Select committees are formed to investigate the problems of the young. Bills are rushed through the Legislature to aid children. Steering committees guide experts through maizes of variables to determine where other experts should be going. Funds are allocated for programs which duplicate other programs. Yet, taxpayers say they are overcharged and public agencies say they are underfunded. And the young are lost somewhere between.

There is evidence that many needs of the young are not met, even though the State of California spends over $4 billion a year on services to children and youth.

Decent child care and societal responsibility may be elusive goals that cannot be measured by standard indicators. Raymond Bauer, social psychologist at the Harvard Business School said:

> "While we would reduce hunger, we do not know just who is hungry. While we would reduce crime, our knowledge of even how many crimes of what type are committed is highly imperfect. While we would improve the 'quality of life' we do not know what our citizens value in our lives."

The Public Attitudes Task Force does not presume to have solutions for the myriad problems within the state concerning children and youth.

However, contact with other task forces, legislators, agency employees, media representatives, and the public has demonstrated the need for exploration of public attitudes and the feasibility of establishing a non-political information and communications system.

III. OVERVIEW

The complex and evasive problem of defining public attitudes created difficulties for the Task Force from the beginning. Members suggested taking surveys, mounting comprehensive Public Relations campaigns to educate the public, and some wanted to narrow the focus of the Task Force to a study of a specific area of children's services.

The name of the Task Force was temporarily changed to Public Relations. There were objections. Would this be comprehensive enough to cover the approaches to the problems involved with public attitudes? Most agreed it would not.

Public Attitudes Task Force members are committed to improving communications between individuals in need of children's services, the Legislature, agencies, and the public. The support and success of the Symposium is directly dependent upon achieving and maintaining these communications.

Studies indicate that low-income people do not use programs designed for their benefit with any degree of uniformity. Lack of information, and deep-seated negative feelings toward governmental welfare programs are listed as major reasons for non-participation.

A recent study of public attitudes toward the food stamp program disclosed that "participation is not only influenced by one's perception of welfare and by food stamps as a welfare benefit, but also by the attitudes of neighbors, friends, and other people with whom one might come in contact."

The study further states that "potential users must be informed that they are eligible and what the benefits of the program are. This is difficult because these potential users are not as responsive to media content as are middle-income people, and they are more isolated from other social and political institutions." However, "if existing agencies would cooperate in providing information about programs, perhaps some of the stigma of welfare would be eliminated."

The researchers said their findings indicated that "if the program is seen to be a good one, then more effort should be made to use existing avenues of communication with low-income people in a more aggressive way."

California services to children and youth are fragmented and the problems are compounded for many potential users by language barriers, lack of communication between agencies, the public and the Legislature.

The largest number of people who use publicly provided social services get their information about available services from friends, relatives and neighbors, rather than institutions. This increases the prospect that negative and misleading perceptions may arise. There is a need to bring about more public awareness of available services not only for low-income people, but for everyone.

This issue was viewed as especially critical by some task force members, who emphasized that services must be directed toward and available to all children in need of such services.

Publicizing services in this universal context would produce a more positive effect on public attitudes than many of the current approaches which emphasize a low-income orientation.

IV. CONCLUSIONS

Public Attitudes Task Force members believe officials and legislators should take the initiative in informing the total public about available services. We, therefore, recommend consideration of the following:

1) Local information - referral services are often ineffective because of
    a) Inadequate staffing and/or funding
    b) Inadequate perception of the bureaucracy as to who is being served (often gearing services only to the poor or underprivileged)
    c) Misconception of the general public as to who is eligible for service
    d) Lack of technical competence in communications techniques or skills
    e) Inadequate integration of all human services
2) Media often has limited information to communicate to the public, leaving the public confused about available services.
3) Officials and legislators often let media representatives assume responsibility as to what should be communicated to the public rather than assuming the initiative and responsibility to inform the public, with the result that the public is frequently uninformed or misinformed.

THEREFORE, it is essential that public information on family and child services for all should be mandated at state and local levels and that it be funded. This task force is recommending exploration of the feasibility of establishing an effective, non-political Information and Communications System at state and local levels, and will undertake to develop suggestions for implementation of this recommendation.

In conjunction with the above recommendations, we suggest extensive surveys be made to measure public attitudes toward services to children and youth.

How to select a simple, easily obtained statistic that will give an accurate reflection of a large and complex social phenomenon?

Researchers from the University of California and countless other institutions are beginning to use their expertise in the development of "social indicators." Scholars and bureaucrats are trying to construct new ways of gauging changes in almost every aspect of human concern.

It is recommended that Symposium members contact University officials to initiate a program to study the problem areas defined by the task forces.

V. MINORITY REPORT

There is much I'd like to add to the report--mainly--that I don't believe we accomplished what we could have. My energies wanted to be directed toward "doing" instead of compiling another report. If each of us had contacted 10 or 12 media sources and distributed releases on what needed to be done--rather than telling each other--I would have felt that we were effective. I also have a very large gripe against the pro-administration "news" bureau which daily pelts the media with reams of stuff which, upon investigation, you learn is only partially true, or not at all applicable for the area about which you write. If the media is cynical nowadays about the releases pouring out of Sacramento, it's only because we've learned we're guilty of inaccuracies if we use them, or of a worse sin--utilizing "puff" pieces only lightly veneered with questionable "facts." It upsets me that tax dollars are spent to maintain the California "News" Service, an agency not too concerned with news but driven, apparently, by propagandizing zeal. It could be an effective tool to discern public attitudes; to let all Californians know what services children need; to watchdog the spending of $4 billion in services to children. It could, at the very least, be professional.

Sincerely,

Margaret McKean
Ventura County
STAR FREE PRESS

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CHILD ADVOCACY TASK FORCE

ASSEMBLY SYMPOSIUM ON SERVICES TO CHILDREN AND YOUTH

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CHILD ADVOCACY TABLE OF CONTENTS

Page

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS IV-3

II. INTRODUCTION IV-5

III. PROPOSAL FOR THE ESTABLISHMENT OF THE CALIFORNIA CHILDREN AND YOUTH ADVOCACY COMMISSION IV-6

IV. THE CHILD ADVOCACY CONCEPT IV-11

- A. What is a child advocate? IV-12
- B. Background on child advocacy IV-16
- C. Conclusions IV-17

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS

The child Advocacy Task Force has one proposal and one recommendation that we wish to submit to the Steering Committee. We respectfully request that the Steering Committee endorse our proposal in its entirety. We further request the Steering Committee to use all their resources and influence in taking all the steps necessary to insure the implementation of our proposal and recommendation.

We recommend the establishment of a California Children and Youth Advocacy Commission. The Commission would serve as an advocate for the interests and welfare of California children and youth.

A Child

Bitter are the tears of a child:
    Sweeten them.
Deep are the thoughts of a child:
    Quiet them.
Sharp is the grief of a child:
    Take it from him.
Soft is the heart of a child:
    Do not harden it.

Lady Pamela Wyndham Glenconner

II. INTRODUCTION

California at one time led the nation in providing for its children. It no longer does. Today, an advocacy system is greatly needed to insure the rights of California children, to strengthen existing services and to develop new ways of meeting both old and new problems.

Although there may be ample justification for castigating California for its neglect of children, the limited impact of comprehensive social planning for children may be related to a starkly obvious, but ignored fact. It is simply that the consumer -- the child -- has not and cannot have a voice in the service delivery systems that affect him. Many adults have been concerned about certain areas of the child's life because of aspects of his behavior that create management problems: the school drop-out or pushed-out, drug abuse, and crime -- or incidents of obvious neglect and cruelty. What has been conspicuously missing is a single unified voice for each child, knowledgeable about his present needs and committed to his long-range healthy development.

Ideally, parents are the child's natural advocate. They provide for his basic needs and when necessary they can seek redress on his behalf. Equally true is the fact that neither parents nor society has a right to govern a child except for that child's good.

When neither parent nor society acts for the child, it is clear that children need advocates to act in their behalf. The need for a child advocate system in California is evident.

Although we have made advances as a society, we have clearly failed our obligation to our children.

III. A Proposal to the Steering Committee of the California Assembly Symposium on Services to Children and Youth for the establishment of the California Children and Youth Advocacy Commission

The California Children and Youth Advocacy Commission is established to serve as an advocate for the welfare interests of California's children and youth. The Commission shall be advisory to all agencies of state and local government that provide services to children and youth.

The Commission shall consist of the following 31 members:

Three members of the Assembly, appointed by the Speaker of the Assembly;

Two members of the Senate, appointed by the Senate Rules Committee;

The Superintendent of Public Instruction;

The Director of the California Youth Authority;

The Director of the Department of Human Resources Development;

The Director of the State Department of Social Welfare;

The Director of the Department of Public Health-

Five members representing private child serving agencies;

Five members representing community-based (non-traditional) child serving agencies;

Five parents including foster parents and guardians;

Six youth members under eighteen (three shall be under sixteen at the time of their appointment) who are or have been recipients of child serving agencies.

Seven members shall be appointed by the Speaker of the Assembly; seven members shall be appointed by the Senate Rules Committee; and seven members shall be appointed by the Governor.

Child serving agencies statewide shall select nominees for the Commission. The appointing powers shall then appoint Commission members from that list of nominees. The appointees shall be representative of ethnic, gender and minority groups and include representatives of different regions of the state.

The members of Assembly and Senate shall serve a term of two years. The term of office for the twenty-one appointed members shall be three years provided, however, that of the members first appointed, seven shall be appointed for terms of one year, seven shall be appointed for terms of two years and seven shall be appointed for terms of three years in order to provide for staggered terms. Appointment to the Commission for two consecutive terms shall be followed by a period of at least one year before such commission member becomes eligible for reappointment. Vacancies occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as the original appointment.

The Commission shall annually elect its own chairman and such other officers as it deems necessary. The members of the Commission who are not employees or officers of the state shall receive for their services per diem and allowances as prescribed by state code.

The Commission shall select an executive who shall serve as secretary and as an ex-officio member of the Commission.

The executive director shall be empowered to hire staff necessary to carry out the functions of the Commission and with consultation of the Commission prescribe the duties of the staff and fix their salaries within amounts made available therefor by appropriation by the Legislature.

The California Children and Youth Commission shall have the following powers and duties:

(1) To conduct a continuing review of existing programs of state government for children, youth and their families by gathering data, studying existing services, evaluating the delivery of services and in other ways that it deems appropriate;

(2) To receive and investigate reports of children not presently being served;

(3) To assure that in the child-serving system, the privacy of children is protected;

(4) To review any new programs affecting children and youth that are proposed by any state agency to avoid duplication of services, promote better planning, and indicate ways in which the proposed program could be improved;

(5) To deliver an annual State of the Child address to a joint meeting of the Assembly and Senate giving a factual, realistic picture of the status of children in California;

(6) To enter into contracts with individuals, organizations and institutions for the purpose of evaluating the Commission's programs and to provide an objective basis on the performance or non-performance of the Commission;

(7) To submit to the Governor and the Legislature and to

publish an annual report on the activities of the Commission during the previous year and on the status of services to the children and youth of the state. The report shall include the programs and recommendations of the Commission and shall serve as both a planning tool and as a way to encourage governmental units, private agencies and associations and the people of California to meet the needs of children with meaningful, coordinated public and private efforts;

(8) To establish a continuing training session for the development of individuals as child advocates on the local and community level;

(9) To review all existing legislation concerning children and youth and to make further legislative recommendations as the Commission deems necessary;

(10) To hold public hearings including the taking of testimony, subpoenaing of witnesses and production of documentary evidence as necessary to carry out the mandate of the Commission;

(11) To receive data and reports from state and local agencies serving children and youth and their families, both public and private, and to provide for the same;

(12) To make recommendations to the Governor and the Legislature on budgetary proposals concerning services for Children and Youth.

GRANTS:

The executive director, with approval of the Commission, may accept as agent of the state any gift, grant or bequest including federal grants. Any monies so received may be expended by the Commission for purposes of the Commission.

FUNDING:

Funding for the Commission shall come from a fixed percentage of the state sales tax to insure continuous funding.

LOCAL ADVOCACY COUNCILS:

The Commission shall develop local child advocacy councils throughout the state. It is suggested that these councils be developed after the statewide commission is effectively operating. The local councils shall be independent and autonomous in nature and will reflect the needs and assessments of that locale.

Makeup of the local councils shall be one-fifth local elected officials, one-fifth public agency representatives, one-fifth private agency representatives, one-fifth parents and one-fifth plus one youth members.

The Commission shall assist members of the community in the structure, duties and methods of operation of the local advocacy councils. Local advocacy councils will implement mechanisms that will facilitate more responsive, relevant and effective children services within the local area.

A percentage of the budget of the Commission shall be earmarked to fund local advocacy councils.

The Child Advocacy Task Force makes the following recommendation:

That there be an ongoing Child Advocacy Task Force. This Task Force could be a combination of the present Child Advocacy Task Force and the Public Attitudes Task Force, plus other interested individuals. The new task force would make refinements on the Commission proposal and lobby for the creation of the Commission.

The primary mandate of the ongoing Child Advocacy Task Force would be to see that the California Children and Youth Advocacy Commission becomes a reality.

IV. THE CHILD ADVOCACY CONCEPT

Child advocacy deals with children's rights. It is based on the precept that every child is entitled to the care and services which he needs for optimum growth development. It recognizes that not all parents have the means or capability to provide all of the necessary care and concern for their children. Therefore, a child advocacy system should be developed which meets the basic needs of children, insures preventive and remedial services, and prevents gaps in services. The system is interested in protecting the basic rights of the child while looking after his basic needs.

The strategies for implementation include increasing utilization of and accessibility to existing services, identification and mobilization of resources to develop needed services not now available, and the advocation of improved effectiveness of existing child serving systems.

Child advocacy can be family, community, state, regionally, or nationally oriented, and work at any level for planning the allocation of resources. Whether an "in-house," "adversary," "ombudsman," or other model, essential components for developing a child advocacy system include a Child Advocacy Council. Training of personnel and research in this area should also be encouraged.

A. WHAT IS A CHILD ADVOCATE?

A child advocate is one who speaks and acts on behalf of children's rights and needs. Parents are usually the child's first advocates. They do not stand alone. Outside the family there are many people - teachers, health and welfare workers, legal advisors, religious leaders, and other concerned citizens - who strive to advance children's interests in ways that support and extend the parent's own efforts. These citizens work as individuals and as parts of institutions, schools , hospitals, and government agencies. Thus, at various levels in our society, there are institutions and advocates already working as spokesmen for children.

As soon as the Task Force began their work, one item became apparent. The term "child advocacy" was difficult to define since it has a variety of meanings for different individuals. The Task Force needed to look at child advocacy in its broadest terms. Simply stated, child advocacy is intervention on behalf of children, advocating for the child's interests.

We needed to establish a definition and an attitude of what we mean when we referred to child advocacy. The following was the Task Force's definition of child advocacy:

Child advocacy is a planned program of action that seeks to promote the child's welfare, rights and interests by intervention on behalf of children in relation to those services and institutions that impinge on their lives.

The Task Force proceeded to establish the following as the objective of child advocacy:

The objective of child advocacy is to provide for more responsive, relevant, and effective delivery of children and family services including alternative service.

Finally, the Task Force adopted the following as their goal:

To provide data and recommendations to the California Legislature that will lead to the development and implementation of a children and youth advocacy system in the state.

With this objective in mind the Task Force continued.

Concern was expressed about the collection of data and why it was needed. It was brought up that if an advocacy structure is proposed, then something is needed to substantiate the existence of such a system. In other words, what is the problem? Child advocacy itself is not a problem but rather a solution.

Where do you find the problem? The June 23rd meeting in Sacramento identified many problems and gave the Child Advocacy Task Force their means for justification. The next phase of the Symposium was to take ten problem areas and make them into task forces. Funding is a problem, employment is a problem, but child advocacy is not.

Then we came to this conclusion: What documentation could this Task Force develop that has not already been done?

There can be committees and studies identifying problems from now to kingdom come. What is the use if nothing is being done to deal with identified problems in an effective manner? Obviously a need for child advocacy exists. If this need did not exist, then there would not be any reason for having a Symposium. The creation of a Symposium on Children and Youth Services was recognition of the fact that something was wrong. Reams of testimony and data were not used to verify the need for the Symposium. By the same token reams of testimony and data are not needed to substantiate a child advocacy system in the state.

If documentation is needed, look at the foster homes. If documentation is needed, look at the child that is tossed from one agency to another because it is more convenient than dealing with the realities of the situation. Or worse, the child who does not receive any help at all because the child does not fit into any predetermined categories.

Billions of dollars are spent every year to provide education, health and welfare services to children. Still we continue to find children who do not receive services, children receiving insufficient services and children receiving inappropriate services. More money alone is not the answer. We believe that the very size and complexity of the existing delivery system inhibits the ability to provide adequately for children.

What is needed is to shift the focus away from the services and toward the child whose need first called the service into being. There is no one place which looks at children - not handicapped children or institutionalized children or children in school but all children - and all their interrelated health, educational and social needs. The California Children and Youth Advocacy Commission seeks to rectify this error.

B. BACKGROUND ON CHILD ADVOCACY

Child advocacy as a concept is not new. The first White House Conference on Children and Youth was held in 1909. One of the recommendations of that conference was the U.S. Children's Bureau, which was signed into law in 1912.

In the past few years, child advocacy has taken on a new importance. There seems to be a fever running nationwide to develop the child advocacy concept.

Crisis in Child Mental Health, the report of the Joint Commission on Mental Health of Children, recommended a child advocacy system be developed. The Commission recommended that Congress provide for the President to appoint at the national level an Advisory Council on Children similar to the Council of Economic Advisors. Advocacy for children and youth would then derive its strength from the highest office in the land.

The 1970 White House Conference on Children and Youth included the development of a system of child advocacy as a major recommendation. Responding to a rising demand, the National Center for Child Advocacy was created, located in the Office of Child Development in the Department of Health, Education and Welfare. The center coordinates the activities of the federally funded advocacy councils while also keeping states and communities abreast on the latest developments in the child advocacy field.

An advocate system for children has not only been recommended as a national focus, but the Symposium participants listed it as a major concern. Child advocacy is a frontier that needs to be continually explored and expanded.

C. CONCLUSIONS

California is vast and varied, filled with an abundance of resources unmatched by any other state.

However, California's most precious resource -- our children -- continues to be put in a second class status.

Children are unable to represent their own interests in a responsible manner. Children must have someone do for them what they cannot do for themselves.

It is inherent upon all of us to do whatever in our power to insure that we are doing for children what needs to be done. It is our contention that we are not. We have developed a specific structure that we believe will make a great deal of progress in enunciating the needs of children and helping the child who needs it most.

It is time we put our priorities in the right place. It is to that end that this report, a reflection of the Child Advocacy Task Force, wishes to address itself.

Simply stated: We care, and that's what child advocacy is all about.

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JUVENILE JUSTICE TASK FORCE

ASSEMBLY SYMPOSIUM ON SERVICES TO CHILDREN AND YOUTH

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JUVENILE JUSTICE--TABLE OF CONTENTS

Page

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS V-3

II. INTRODUCTION V-5

III. OVERVIEW V-6

IV. FINDINGS AND RECOMMENDATIONS V-7

- A. Committee Report on the Relevant Sections of the Welfare and Institutions Code V-7
- B. Administrative and Departmental Policies of the Juvenile Court System Committee Report V-8
- C. Constitutional Rights Committee Report V-9
- D. Diversion Committee Report V-10
- E. Recommendations V-14

V. SUMMARY V-17

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS

The Juvenile Justice Task Force found that:

1. The communities in California (schools, boards of supervisors, local municipalities, law enforcement agencies, welfare systems, churches, parents, social workers) are not treating non-criminal juveniles within their homes and referring them to the juvenile justice system as the only resort; the use and monitoring of alternative approaches (diversion) is arbitrary and diversion standards are not consistent in concept or implementation;

2. Non-criminal juveniles are not considered or kept separate from criminal juveniles;

3. The rights of both non-criminal and criminal juveniles to due process are not always respected and safeguarded;

4. Statewide guidelines and monitoring of the juvenile justice system are arbitrary and in some cases, non-existent; and

5. A general confusion exists within the juvenile justice system between the punitive and rehabilitative roles relative to juveniles within its jurisdiction.

The Juvenile Justice Task Force feels that the juvenile justice system must reassess its goals and develop guidelines for the treatment of both non-criminal and criminal juveniles; the juvenile justice system must monitor these as well as overall guidelines both within the juvenile justice system, and the private agencies with which it contracts; and the juvenile justice system must develop better articulation and cooperation between and among the various public and private agencies within the community for the prevention and rehabilitation of criminal conduct among juveniles referred to its jurisdiction.

Therefore, the Juvenile Justice Task Force recommends:

1. The formation of a Juvenile Justice Commission

The Commission should be composed of an equal number of state and local juvenile justice personnel including treatment and administrative staff members, community-based experts on various juvenile problems, interested citizens, and former and present criminal and non-criminal juveniles under the jurisdiction of the juvenile justice system. The Commission would reformulate goals and establish guidelines for the treatment of non-criminal juveniles through a system separate from the court system and for the treatment of criminal juveniles within the court system.

2. The funding of a comparative study of diversion programs

This study would consider diversion programs in existence and, based upon the finding of the Commission, the funding of one or more pilot programs to assess the best methods of preventing non-criminal juveniles from becoming criminals and of rehabilitating the criminal juveniles to socially constructive and personally creative lives. The results of the pilot program would be monitored on a performance basis including the recidivism factor as a principal standard. These results would become the raw data for the restructuring by the Commission of the juvenile justice system. Current diversion programs would still be allowed additional support.

II. INTRODUCTION

The Phase II, Problem Identification Workship participants identified four specific issues for consideration by the Symposium on Services to Children and Youth. These four issues were: (1) The need for alternatives to the juvenile justice system; (2) the problem of placing youth inappropriately; (3) the need for services for the families of delinquents; and (4) the court system's lack of respect for the needs and rights of juveniles. The Task Force on Juvenile Justice was commissioned to verify, investigate and make recommendations for changes, alternatives or for maintenance of status-quo.

III. OVERVIEW

The Task Force on Juvenile Justice met for Phase III and proposed that the members divide into the following four subgroups: (a) relevant sections of the Welfare and Institutions Code; (b) administrative policies of the juvenile court system; (c) constitutional rights of the juvenile; and (d) programs "to divert" juveniles to programs outside the court system. These sub-groups were to determine: (a) what relationship existed between youthful offenders and the law; (b) the state of the juvenile justice process; and (c) recommend changes wherever the sub-groups find that the juvenile justice system fails in its responsibility to juveniles or that the coordination of its services is non-existent or obsolete.

The Task Force set about refining and researching the original issues proposed by the Symposium participants at the Phase II Workshop. The sub-groups defined specific problem areas, investigated these areas in the field and reported their findings to the Task Force. The Task Force coordinator prepared the final report and submitted it to the Task Force for additions, corrections, changes and approval.

IV. FINDINGS AND RECOMMENDATIONS

A. Committee Report on the Relevant Sections of the Welfare and Institutions Code

The purpose of the chapter, as stated within Section 502, should be enforced; namely, "to secure for each minor under the jurisdiction of the juvenile court such care and guidance, preferably in his own home, as will serve the spiritual, emotional, mental and physical welfare of the minor and the best interests of the state", and "to preserve and strengthen the minor's family ties whenever possible". The Task Force recommends the following means to achieve this end:

1. Every effort should be made to keep a youth from entering the juvenile court system and probation officers should use the legal mechanism for diversion offered within Section 653 to reject the "officialization" of a child's offense or status. (The state's juvenile court system would seem obliged to conserve and support the federal government's requirement to avoid the institutionalization of individuals within paragraph 221.5 of the Federal Social Service Regulations proposed for implementation November 1, 1973.)

2. No child should be ordered for out-of-home placement unless officials have exhausted every possible method of keeping him there and have documented their efforts in writing to the presiding judge.

3. Youths with behavioral problems (Section 601) should be separated and treated independent from youths who are law-breakers (Section 602).

4. A non-court, community-based agency intake procedure should be established for all 601 youth as separate from the Juvenile Hall intake procedure for 602 youth, and independent from the 600 protective facility.

5. Independent legal counsel should be provided for all youth who need it to represent them at the intake procedure and throughout the court process.

6. The judge's ability to reclassify a second 601 appearance as "having failed to obey a lawful order

of the court" and thus, "law breaking" should be recinded. (A procedural problem occurs here in the case of "truancy". Can the court undertake the disposition of school district problems related to "truancy" and is such a disposition constitutional?) The solution here would not seem to be the "criminalizing" of a non-criminal juvenile, but rather family counseling, family placement in a relative's home, foster placement, alternative educational choices offered by the school district, and so forth. Referral and treatment to a community-based agency should be required for family counseling for such repeaters."

7. Additional money should be provided for community-based diversion projects utilizing family counseling and emphasizing preventive solutions for youthful "offenders." The Task Force on Juvenile Justice referred this matter to the Task Force on Funding.

8. Statewide guidelines and goals should be developed for the treatment of youth pursuant to the intent of juvenile law, so that the standardization and consistency of state and county procedures are maximized and the preventive and rehabilitative elements are coordinated with the punitive.

9. Section 601 of the Welfare and Institutions Code should be rewritten.

B. Administrative and Departmental Policies of the Juvenile Court System Committee Report

The Task Force recognizes that the law is not the basic solution to juvenile delinquency prevention, control or treatment. The Task Force also recognizes that the Juvenile Court System is concerned for the prevention of criminal violations _before the fact_ and yet, its duty to prosecute criminal violations of the law _after the fact_ conflicts with this concern. This conflict is emphasized by the conjunction and confusion of 601 and 602 youth within the Juvenile Court System and begins at the point of arrest, continues through the intake procedure, detention and the court hearing. The Task Force recommends the following means to handle this confusion and improve the administration of juvenile justice:

1. Investigate legal ramifications of amending Section 502 of the Welfare and Institutions Code to include positive goals for all youth, rather than merely to specify the elimination of negative conditions for some youth. Tighten up the vague language within both the 600 and 602 Sections.

2. Require a set of statewide goals and objectives oriented toward the prevention of family and community problems; draw these goals and objectives from those present in the lives of juvenile offenders; require county administrators to utilize these goals and objectives in prevention programs within the community.

3. Require that County Administrators provide private, non-profit social service agencies utilizing the staff assistance of the local Probation Department as "diversion" instruments to handle both 600 and 601 referrals. Both 600 and 601 youth should be counseled by such social service agencies, because neither youth group has committed a criminal act.

4. The state should develop a county monitoring system to assess how each county's service activities relate to its stated objectives and a follow-through system to determine the effectiveness of these objectives and to provide the youth additional services when and as needed.

5. The state should establish and monitor basic training components for Juvenile Department staff and should include elements on (a) human behavior, (b) individual, group and family counseling, (c) human rights and (d) ethnic, cultural and religious differences.

6. The state should establish and monitor guidelines for the utilization of volunteer and paraprofessional staff and include foster parents as volunteer staff, rather than as independent contractors.

7. Since child abuse is a symptom of a problem, treatment should be required to include family counseling, psychiatric therapy and availability of other social services as needed.

C. Constitutional Rights Committee Report

The Task Force realizes that juvenile court procedures differ from one geographic area to another, yet the Task Force recognizes the right of any and all juveniles to have due process before, during and after the juvenile court proceedings. The Task Force specifically recommends the following means to ensure the juvenile's right to due process:

1. A juvenile should retain the right to remain silent and to the representation of counsel at each stage of the juvenile justice system.
2. A juvenile should have the right to have a judge preside at his jurisdictional and dispositional hearing.
3. Procedural rules governing juvenile court systems should be tightened up and monitored to ensure a juvenile's due process, equal treatment before the law and avoidance of double-jeopardy beyond the jurisdictional hearing.
4. Criteria should be developed for accessibility and expungement of juvenile records.
5. On school premises a juvenile should have all of the protections of the rights of privacy afforded to him in his own home.

D. Diversion Committee Report

The task of the Sub-Committee on Diversion of the Juvenile Justice Task Force was to investigate the Diversion Programs currently in operation in California, identify some of the major problems and recommend solutions to these problems. Major problems identified by the Diversion Sub-Committee were: (1) funding, (2) standardization of referral and evaluative criteria, (3) program content, (4) use of diversion programs as a coercive tool by the Juvenile Courts, and (5) community involvement.

1. Funding

One of the major problems of Diversion Programs is the dispersal of funds. Most Diversion Programs receive funds and are administered by local governments or law enforcement agencies that have been granted Federal Funds from the L.E.A.A. (Law Enforcement Assistance Administration) through the California Council on Criminal Justice (CCCJ - recently renamed the Office of Criminal Justice Planning). The effect of this method of funding is that the youth must come in contact with the criminal justice system although the declared objectives are to divert him from the same system. AB 2185 (Cory) presented a possible solution to this dilemma by allowing private non-profit organizations eligibility for CCCJ Funding. The bill was not introduced into the Legislature this year at the request of CCCJ.

2. Standardization of Referral and Evaluative Criteria

Referral to a Diversion Program is a subjective evaluation of the youth by the person in authority (e.g., police officer, probation officer, juvenile court judge, or school official). A youth who has had a contact with a law enforcement agency for improper behavior as defined under the law will or will not become embroiled in the criminal justice system depending on the individual reviewing the case. The youth will either fall into the system or be diverted from it.

Standardization of program evaluation is still another problem of Diversion Programs. Quality of evaluation and the methodology used in the evaluation process vary from program to program. In addition to varied self-evaluation methods, programs have different definitions of delinquents and pre-delinquents, thus working with different sectors of youth. It is necessary, then, to make unreliable interpolations if one tries to compare the efficiency and effectiveness of the programs.

There are also no provisions in the grant proposals or administration of the programs for the consumer of the services to evaluate the effectiveness of the program while he is still participating in the program. Many programs ask the individual to complete an evaluation after their participation in the program has ended.

The program staff evaluate the effectiveness of the program by checking the names of the participants against the Central Juvenile Index. If the youth's name does not appear in the CJI File, then the program has been successful in diverting the youth from the criminal justice system. This comparison of names usually occurs six months after the youth has ceased participation in the Diversion Program. There is no way of finding out if the youth was arrested at a time later than the six month follow-up, or whether the youth has moved to another state or was simply not caught.

Tracking systems and follow-up of youth participants in Diversion Programs are issues of great concern to many people. The late Assemblyman Robert Crown requested the Joint Audit Committee to investigate reports of centralized records of pre-delinquents and Diversion Program participants in large data banks. The results of the investigation reveal that there are no such central data banks at the present time. The report also noted that the Diversion Programs now in effect make no provisions for destruction of records once the youth has completed his participation in the Diversion Program. Some of this information, if not destroyed, has the potential of becoming part of the youth's permanent juvenile record if he is arrested and brought before the court. This sub-committee has been informed that Diversion Programs funded for 1974 have a stipulation that the records of Diversion Program participants be destroyed upon completion of the program.

3. Program Content

Most of the Diversion Program content is centered around counseling, either individual, group, or family. While this method of "treatment" might be a valid one, it is not necessarily the proper diagnosis for all cases of pre-delinquency and diversion. There is little evidence in the investigation conducted by this sub-committee of other types of activities in the Diversion Programs.

4. Use of Diversion Programs as a Coercive Tool by the Juvenile Courts

The use of Diversion Programs by the Juvenile Court as a replacement for probation, in combination with probation, or as an alternative to incarceration was found to be detrimental and adverse to the goals and objectives of the Diversion Program concept. A judge will often dismiss a youth's case on the condition that he enroll in a Diversion Program or will release the youth on probation with the stipulation that participation in a Diversion Program is part of his probation. The courts also find that dismissing a youth and referring him to a Diversion Program is a way of unclogging the courts. The counties also increase their eligibility for the Probation Subsidy Program.

5. Community Involvement

Diversion Programs may be too little too late. They do not provide a method by which the individual is prevented from entering the juvenile justice system. Diversion Programs deal with the manifestations of the problems of individuals in a given community but not with the causes of the problems that stem from the community environment. The problems and causes of delinquency are not found within the individual but within the community. These problems can only be remedied by the community playing a decisive role in the activities of its members.

E. Recommendations

The Task Force agrees with the consensus existing among scholars, critics, administrators and judges of juvenile courts that substantially greater diversion of juveniles from the present court system to alternative approaches emphasizing preventive solutions should be accomplished. Yet, the Task Force also recognizes a need exists to define "diversion" programs, to provide diversion programs guidelines and to monitor and follow-through the implementation of diversion programs.

The Task Force specifically recommends the following means to achieve this end and purpose:

1. Survey the diversion projects in rural and urban areas throughout the state, define "diversion," and provide guidelines for its development, implementation and monitoring.

   The survey should determine: (1) how diversion projects are identified, i.e., preventive, diversionary; (2) how youth are identified for diversion projects; (3) how youths are being served in diversion projects; (4) how diversion projects are being evaluated; (5) the youth's evaluation of the diversion project; and (6) whether or not a youth's participation in a diversion project is used against him in cases where he has subsequently become institutionalized.

2. The use of diversion programs by the juvenile court - Investigate to insure that the purpose and objectives of the diversion programs as well as the

methods of referral to diversion programs are voluntary and ligitimate.

3. Provide more money to diversion projects. Propose funding for diversion projects based on performance and include self-monitoring and accountability as the performance criteria.

4. Fund a pilot diversion project that now operates successfully. Study the project in order to determine diversion projects, the matching of a juvenile and a diversion technique, the relationship between county agencies and juvenile justice personnel and social service personnel, the counselor and the youth (and/or family). Develop guidelines and monitoring criteria for statewide testing in all diversion projects.

5. Re-examine AB 2185 (Cory) in light of the objectives of CCCJ and delinquency prevention and re-introduce into the next legislative session. Implications of present funding methods should be investigated more thoroughly with the possibility of amending the federal legislation (Safe Streets Act).

6. Develop common definitions when referring to delinquents and pre-delinquents. Evaluation techniques and methodology should also be standardized. Consumers of services should play a more active role in the evaluation process of diversion programs. Destruction of records should be made mandatory in grant proposals. Tracking systems and justification for their necessity should be further investigated. Tighter restrictions should be developed for guarantees of confidentiality of information.

7. Spell out clearly program content in grant proposals. More varieties of programs should be made available to meet various needs of youth.

8. Include community evaluation of the juvenile system and the diversion projects. The creation of lay committees, based on models, made up of community members may be able to handle some of the cases now referred to Juvenile Court. Community involvement means community commitment to improvement of the total community. Funding of community bases and social programs of a preventive nature may better serve the youth of the community than diversion programs.

9. Require resource data and records to be shared between public and private, large and small agencies with the exception of personal and confidential records.

10. Maintain and monitor the confidentiality of a youth's records as used by the juvenile court system.

11. Provide that diversion programs be individualized, defined, and not be used inappropriately.

V. SUMMARY

The juvenile justice system has great difficulty in providing justice to juveniles within the current setting. The law, the court, and ancillary institutions view the child in a schizophrenic manner. On one hand, the offending juvenile is seen as one in need of the court's protection. On the other hand, the court has, within its discretion, the power to impose criminal sanctions.

The discretionary powers afforded the court ostensibly to further the rehabilitative aims of the system invite abuse. The language of Section 601 of the Welfare and Institutions Code is so vague as to permit almost any set of circumstances to lead to a 601 petition.

The distinction between a 601 youth misbehaving and one who commits a criminal act is blurred when it is possible for a youth who misbehaves twice as a 601 to become, in the eyes of the law, a youth who commits a criminal act (Section 602, Welfare and Institutions Code).

The variety of options that are available to a youth at the threshhold of the criminal system are now limited. Who gets into the system and who does not is a subjective and sometimes emotionally based decision rather than an objective one based on the best interests of the youth and his future. It is a decision based on the lack of community resources as alternatives to the system.

The rationale for the distinction between a juvenile offender and an adult offender is one worth preserving.

Procedural due process is as important from the standpoint of rehabilitation as it is from the standpoint of justice. A juvenile is likely to view measures the court employs to rehabilitate him in the same cynical manner he views court proceedings where he is afforded no protection.

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FUNDING TASK FORCE

ASSEMBLY SYMPOSIUM ON SERVICES TO CHILDREN AND YOUTH

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FUNDING--TABLE OF CONTENTS

Page

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS VI-4
- A. Problems Identified VI-4
- B. Recommendations VI-5

II. INTRODUCTION VI-7

III. OVERVIEW VI-8
- A. Approach and Methodology VI-8
  - 1. Areas of Research VI-8
  - 2. Outline of Study VI-8
  - 3. Individual Task Force Members' Areas of Expertise and Research VI-10
  - 4. Coordinator's Research VI-10
- B. Questionnaire VI-13

IV. FINDINGS (PROBLEMS) VI-15
- A. Funding Problems at the Federal Level VI-15
  - 1. Federal Government Priorities VI-16
  - 2. Federal Appropriations and Budgeting VI-19
- B. State Level Problems VI-24
  - 1. Priorities VI-24
  - 2. Timing of Funds VI-25
  - 3. Delivery of Funds VI-27
  - 4. Legislation Deficiencies VI-28
  - 5. Program Deficiencies VI-29
- C. Private Institutions VI-30
- D. Grants System VI-35
- E. Questionnaire Results VI-37
  - 1. Uncertainty of Funds VI-37

Page

2. Erratic and Insufficient Funding VI-40

3. Rigid Categorical Limitations VI-40

F. Foster Care - An Example of Funding Problems VI-43

V. PROPOSED SOLUTIONS VI-53

A. Grant Information and Assistance Bureau VI-53

B. General Recommendations VI-53

VI. AREAS FOR FURTHER RESEARCH VI-57

VII. LIST OF INDIVIDUALS INTERVIEWED VI-59

VIII. BIBLIOGRAPHY VI-61

APPENDIX A VI-62

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS

A. Problems Identified

1. Federal level:
    - (a) Priorities differ between federal and state level.
    - (b) Federal budget system is poor, and appropriations are subject to serious time lags. Often appropriations are made late in the fiscal year, and the current use of "continuing resolutions" creates severe problems on the state level.
    - (c) Distribution problems result in late receipt of funds and poor integration with state and local funds and programs.
2. State level:
    - (a) Priorities are lacking for allocation of funds.
    - (b) Annual budget and timing of funds creates problems as it does not always coincide with operational needs. Yearly funding creates uncertainty, which hinders program planning and implementation. Appropriation receipt may be late.
    - (c) Delivery of funds is problem-ridden, as departmental contract disputes tie up funds for months. Since reimbursement systems and timing vary, an inefficient flow of funds result.

(d) Legislation deficiencies -- "intent" on the books is not followed through by funding of programs.

(e) Program deficiencies result from vague statements of objectives, and no definition of nor ceiling on administrative costs. Programs are often built around funds available, not people's needs.

3. Private institutions are having severe problems due to only partial public funding of public referrals, which means taking losses, raising private patient fees, or trying to obtain continually dwindling private funds.

4. Grants system is extremely poor due to lack of a central bureau for information and assistance. Small agencies are penalized if they cannot afford a grantsman. Applications are too long and complicated, and categories are too stringent in requirements.

B. Recommendations

1. Establish a Grants Information and Assistance Bureau to act as a central processing and information house.
2. Pressure the federal government to review and renovate their priorities, budget and appropriation system, and delivery systems of funds.
3. Establish longer term planning and funding periods for programs, particularly for new programs.

4. Reduce the amount of paperwork and red tape in the application for funds.
5. Follow-up legislative intent by funding for programs.
6. Develop clearer and more detailed program structures, with administration cost ceilings, and evaluation and audit procedures.
7. Develop overall priorities for funds.
8. Develop a system of "accountability" for allocation, distribution, delivery and efficient use of funds.

II. INTRODUCTION

Although funding is regarded as one of the major problems that all programs have, there is no one funding problem, as this Task Force quickly discovered. There is a multitude of problems at many different levels and of various magnitudes. Our first goal, then, became to identify the major funding problems that are currently hindering the operations of services to children and youth.

This is only part of our goal, however. Not only is the identification of problems necessary but also the documentation of these problems. Once identification and documentation are accomplished, then it is possible to determine recommendations for solutions, the final part of our goals. Included in the recommendations are areas for further research as well as possible solutions, since we lack time and ability to study many areas in depth. Our goal is threefold: 1) identification, 2) documentation, 3) recommendation.

III. OVERVIEW

A. Approach and Methodology

1. Areas of Research

There were a number of ways to approach our topic. Two options were discussed: 1) funding from the point of view of one specific project, or 2) funding from a broad point of view. The latter option was deemed more suitable for our study.

The next question dealt with the scope of our project. At first it was decided to concentrate on the state level. It soon became apparent, however, that the federal level and the private level must be dealt with, also. The following outline of our study shows how we approached the subject and some of the specific problem areas we concentrated on.

-. Outline of Study

I. A. Federal Understanding of Federal Budget and Appropriation System.

1) General processes, characteristics

2) Decision criteria

3) Distribution structure

B. Problem Areas

1) Within the funding system itself

a) Difference between authorizations and appropriations

b) Yearly appropriations

c) Lags in appropriations

d) Distribution system deficiencies

e) Poor integration with state and local funds and programs

II. A. General Understanding of State Funding Process

1) What are the channels?

2) Where are the decisions made?

3) On what basis are they made?

B. Problem Areas

1) Within the budget mechanism

a) Time lag

b) Conflicts between the budget timing and operational needs

c) Distribution problems

2) Within the priority set

a) No defined priorities

b) Misplaced priorities

1. Emphasis on treatment, not prevention

2. Vested interests, not on needs

III. A. Program Structure Deficiencies

1) Categorical funding

a) Flexibility

2) Block funding

a) Distribution problems

3) Program designed around funds available, not needs

4) No guidelines for and definition of administration costs

IV. A. Possible Conclusions and Recommendations

1) Two-year budget system

2) Grant Information Bureau

3) Two-year funding periods

4) Areas for further study

3. Individual Task Force Member's Areas of Expertise and Research

Our research took a variety of forms. First, the members of the Task Force are highly skilled and knowledgeable people who work directly in child and youth programs. They provided a significant amount of information from their experiences in these programs. In addition to providing first-hand knowledge of problems at the operational level, many of the Task Force members undertook areas to research. Following is a list of the topics chosen:

Bobby Swanson - Private Funding and Programs
Rhoda Katz - Grant Information Bureau
Tom English - Five-year Mental Health Plan
Evelyn Wilson - Timing of State Funds
Joyce Yarbrough - Federal Level Program Categories
Ed Warren - Categorical vs. Block Funds
Jerry Weber - Federal Appropriations and Budget System
Esther Kessel - Foster Care

4. Coordinator's Research

The Task Force members used every means they could in their examination of these areas. This included not only reading the relevant material, but also interviewing persons involved in that area. My research was of the same kind but I concentrated on the state administration level, while the Task Force members concentrated on the program operation level.

I interviewed a number of people in Sacramento and tried to cover those agencies which either dealt heavily with the budgetary process or with programs for youth and children. To obtain a general understanding of the state budget system, I interviewed Dick Lee and Hal Geiogue of the Legislative Analyst's Office. In order to obtain the Legislature's position regarding appropriations, I interviewed John Mockler and Steve Thompson of the Assembly Ways and Means Committee staff, and Robert Hampton of the Senate Finance Committee. Al Brown of the Department of Finance provided information concerning that Department's functions and position in regard to the state budget process. The two agencies controlling the majority of child and youth programs are the Department of Education, and that of Health and Welfare. I interviewed Harvey Hunt in Education and Jim Boyd and Jim Kotrous in Health and Welfare.

Since given the time contraints it was possible for the Task Force members to interview only a limited number of people, I formulated a questionnaire which was sent to the members of all ten task forces and those persons who attended the Conference in June in Sacramento. This questionnaire was designed to get an idea of what the program operators consider the major specific funding problems, the effects these problems have had on their programs, and the recommendations they feel would decrease the problems.

Included in the questionnaire were sections designed to obtain the amount, sources, and timing of program funds.

The questionnaire results were very interesting and informative. Those results are discussed elsewhere in this report.

B. Questionnaire

What child or youth program are you associated with?

In what capacity?

- ☐ Board of Directors
- ☐ Program Administrator
- ☐ Paid Employee
- ☐ Other (explain)

What is the annual budget?

Federal $___________

State $___________

Local $___________

Private $___________

Are the funds you receive appropriated on a yearly basis?

If other, please explain.

FUNDING PROBLEMS

(check appropriate boxes)

Nature of Problem

1. ☐ Uncertainty of funds (yearly appropriation)
2. ☐ Erratic funding (funds received or cut during fiscal year)
3. ☐ Insufficient funding
4. ☐ Rigid categorical limitations
5. ☐ Other (explain)

Brief Description of Problem and Impact on Program Operation

Suggested remedial steps to eliminate problems

1.
2.
3.
4.

IV. FINDINGS

A. Funding Problems at the Federal Level

There are at least three major areas for potential funding problems at the federal level. First, federal priorities may be such that little money is allocated to the programs that the state may need most. Second, once funds have been authorized, there remains the task of getting funds appropriated. Authorizations and appropriations can be vastly different figures. There is a myriad of problems encountered in the formulation and passage of actual appropriations. Congress and the President may not be able to agree on any amount, thereby delaying appropriations for months. The fiscal year is often almost over before states find out how much funding was finally approved. Even after the funds are appropriated there are still potential problems. Funds may be retracted in the middle of the year and distributed elsewhere. The distribution of federal funds varies, with some funds going to the state agencies while other monies go directly to county, district, or city administrators. This can cause duplication of and/or conflicts between programs run by these different groups.

These are only general problem areas and within each one there are many specific problems. Only a brief discussion of these broad areas is within the scope of this paper, however, and only a limited amount of documentation could be determined within the time allotted to this study. Most of the following comments are taken from a report by Task Force member, Jerry Weber.

1. Federal Government Priorities

While legislation and funding authorizations may indicate the most humane and generous intentions, a quick look at the national budget shows where the vested interests are and what the administration's priorities are. It all comes down to who actually gets the money, not who has been promised money. A brief analysis of the following tables will highlight current national priorities.

Table 1-1 displays the Federal Budget Expenditures by category, including the percentages these figures are of the total expenditures. The greatest amount of money still goes to defense, space, and foreign affairs (estimated percentages -- 1973 -- 33.5%, 1974 -- 33.0%). While it is true that defense expenditures have been decreasing, most of the recent reductions can be accounted for by the withdrawal from Vietnam. However, while defense expenditures have been decreasing, grants for social programs are estimated to decrease in 1974 also. A close look at Table 1-5 shows which areas are subject to the greatest budget cuts, i.e., domestic expenditures, $10.2 billion in 1973, $13.2 billion in 1974, and the elimination of all new programs. Table 1-7 gives a more detailed breakdown of the estimated reductions. Grants for social programs are reduced both years by a greater amount than defense, space, and foreign affairs combined. It is clear that national priorities lean much more towards military and foreign expenditures than towards civilian expenditure. These national priorities are in conflict with state needs and priorities, thereby leaving many state needs -- the people's needs -- unmet.

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Table 1-1. Federal Budget Expenditures, by Major Category, Selected Fiscal Years, 1950–74

Category	*1950*	*1960*	*1970*	*Estimate* *1973*	*1974*
			Billions of dollars		
Defense, space, foreign affairs	18.0	49.5	87.7	83.6	88.8
Cash income maintenance	6.7	20.6	45.8	74.3	81.3
Helping people buy essentials	2.7	1.1	14.6	23.3	27.2
Grants for social programs	0.3	1.3	8.8	14.9	14.0
Investment in physical environment	2.0	5.4	9.8	13.7	14.8
Revenue sharing[a]	...	0.1	0.5	7.3	6.6
Direct subsidies to producers	4.0	4.5	6.7	7.8	5.9
Net interest	4.8	6.9	14.4	17.4	18.7
Other programs	5.3	3.9	12.4	22.1	21.0
Financial devices and civil service retirement contributions	−0.7	−1.1	−4.1	−14.6	−9.6
Total	43.1	92.2	196.6	249.8	268.7
			Percentage of total		
Defense, space, foreign affairs	41.8	53.7	44.6	33.5	33.0
Cash income maintenance	15.2	22.3	23.3	29.7	30.3
Helping people buy essentials	6.3	1.2	7.4	9.3	10.1
Grants for social programs	0.7	1.4	4.5	6.0	5.3
Investment in physical environment	4.6	5.8	5.0	5.5	5.5
Revenue sharing[a]	...	[b]	[b]	2.9	2.4
Direct subsidies to producers	9.3	4.9	3.4	3.1	2.2
Net interest	11.1	7.5	7.3	7.0	7.0
Other programs	12.3	4.2	6.3	8.8	7.[illegible]
Financial devices and civil service retirement contributions	−1.6	−1.2	−2.1	−5.8	−3.6
Total	100.0	100.0	100.0	100.0	100.0

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Sources: *The Budget of the United States Government*, relevant years. *The Budget of the United States Government—Appendix*, relevant years. *Special Analyses, Budget of the United States Government*, relevant years. Expenditures were reclassified by the authors. Figures may not add to totals because of rounding.

a. Includes small amounts of payments in lieu of taxes on federal lands.

b. Less than 0.05 percent.

Table 1-5. The Problem Facing the Administration in Constructing the Budget, and Actions Taken to Remedy It, Fiscal Years 1974 and 1975[a]

Billions of dollars

Components of the problem and the remedy	*1974*	*1975*
The problem		
Anticipated revenues	268.0	290.0
Proposed expenditures	283.9	311.1
Existing programs	279.9	303.2
New programs proposed in 1972 by the administration	4.0	7.9
Deficit	−15.9	−21.1
Actions taken to eliminate the deficit		
Domestic expenditure cuts	10.2	13.2
Defense expenditure cuts	2.0	2.0
Elimination of proposed programs[b]	4.0	7.9
Resulting budget surplus	0.3	2.0

Sources: *The Budget of the United States Government, Fiscal Year 1974*, *The Budget of the United States Government, Fiscal Year 1973*, and authors' estimates.

a. All estimates are calculated on a full-employment basis.

b. Fiscal year 1974 expenditures for the major new proposals submitted by the President last year, but not resubmitted this year, have been estimated at one-half the level shown for these programs in the 1973 budget; if they had been resubmitted, delays in enactment would have reduced the first year's spending. The 1975 estimate is taken, without adjustment, from the data in Table 16, pp. 540–42, of the 1973 Budget.

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Table 1-7. Federal Budget Expenditure Reductions to Eliminate Deficit, by Category, Fiscal Years 1974 and 1975

Billions of dollars

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Category and component	*1974*	*1975*
Budget cuts		
Defense, space, foreign affairs	2.3	2.5
Defense	2.0	2.0
Space, atomic energy, foreign aid	0.3	0.5
Cash income maintenance	1.5	1.5
Public assistance	0.8	0.8
Veterans' pensions and compensation	0.4	0.4
Other	0.3	0.3
Helping people buy essentials	1.8	3.0
Medicare and Medicaid	1.1	2.0
Housing subsidies	0.3	0.6
Education	0.3	0.3
Food	0.1	0.1
Grants for social programs	2.8	3.0
Education	0.3	0.4
Health	0.4	0.4
Manpower training	1.0	1.0
Social service	0.6	0.6
Community action programs	0.3	0.4
Other	0.1	0.2
Investment in physical environment	1.9	2.8
Transportation	0.3	...
Water resources	0.6	0.8
Waste treatment	1.0	2.0
Direct subsidies to producers	1.0	1.6
Farm price supports	0.6	0.9
Rural electrification loans	0.4	0.7
Other	0.9	0.9
Total cuts	12.2	15.2
Withdrawal of previously proposed programs[a]		
Health insurance[b]	0.6	1.1
Family assistance plan	2.0	4.0
Supplements to special revenue sharing	1.4	2.8
Total withdrawals	4.0	7.9

Sources: Same as Table 1-5. Figures may not add to totals because of rounding.

[a] See Table 1-5, note b.

[b] The President's 1974 budget indicated that some form of health insurance program would be forthcoming, at a much lower net budgetary cost than the program he proposed in the fiscal 1973 budget. The figure in the table represents the difference between the costs of the two programs.

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2. Federal Appropriations and Budgeting

Most programs have a complicated mixture of funds, from federal, state, local, and private sources. There are a variety of problems at each level; however, some of the most serious problems appear to be on the federal level.

The federal budget system is for a two-year period but with yearly appropriations. Currently, most programs are operating under "continuing appropriations resolutions". This means that no actual budget has been agreed upon by Congress and the President and so in order to keep programs continuing the Legislature passes short-term bills calling for limited appropriations for the departments. These continuing resolutions are usually based on the amount appropriated to the department in the previous fiscal year.

The effect this has on the actual programs in the states is tremendous. First, the programs cannot contemplate expansion or innovation because federal funds probably will be the same as they were the previous year. Even worse is the fact that each year the programs are faced with either fund reduction or elimination. This uncertainty causes many problems. There can be little realistic long-range planning if the program exists on a month-to-month basis. Staffing is also a problem if program operators must hire personnel at the last minute. Just as there are problems arising from fund cuts, there are problems resulting from late-year funding increases. These last minute increases often result in inefficient use of monies due to lack of facilities and previous planning. Federal funding becomes erratic due to the use of such measures as continuing resolutions, freezes of funds, and the late release of funds.

The cost of these federal funding problems to the states can be, and often is, very large. The impacting of federal funds causes programs to be dismantled if the state does not pass legislation to replace the lost funds with state funds. Then, if the funds are released at a later date, there are no facilities to use them. An example was the late release of the funds for Neighborhood Youth Corps programs. By the time the funds were released (July 10, 1973) many of the program personnel had been discharged. Many youths did not know that the funds and jobs were again available. It was impossible to use the funds as efficiently as they would have been had they been appropriated on time.

There are other costs related to the loss of federal funds. If the programs are to be continued at a level comparable to one with federal appropriations, then the states must provide these funds. The time, effort, and expense involved in formulating legislation to replace these funds is tremendous, not to mention the cost to the state of replacing the federal funds. Currently in the California Legislature there are at least ten bills dealing with the replacement of lost federal funds.

The funding for the Department of Health, Education and Welfare for 1973 is a perfect example of erratic, uncertain funding at the federal level. Here, three continuing resolutions were used, and the actual budget was not passed by the Senate and House until February 28, 1973, eight months after the beginning of the fiscal year. Throughout the entire dispute the administration continually vetoed the budget proposals and so the department felt constrained to hold expenditures down to the level of the administration's request, anticipating continued vetoes. While this is understandable from the department's point of view (not wanting to spend more than they would receive), it is clear that this is an inefficient and, thus, costly way to operate programs. Should the anticipated vetoes not materialize the department could find itself with last minute funds and no facilities to use them well.

Following is a summary of the actions by Congress and the Administration in their attempts to formulate and agree upon a budget for the Department of Health, Education and Welfare:

Regarding: Funding of the Department of Health, Education and Welfare for fiscal year 1973

In mid August, 1972, the Congress passed and sent to the President a bill appropriating $30,538,919,500 for operations of the Department of Labor and the Department of Health, Education and Welfare plus related agencies. The bill was approximately $1.7 billion over the President's budget request. On August 16, 1972, the President vetoed the bill stating his desire to prevent further inflationary pressures which would be caused by this irresponsible congressional spending.

On September 19, 1972, the House passed a bill (HR 16654) appropriating $29,603,448,500 for the Department of Labor, the Department of Health, Education and Welfare and related agencies. This bill still exceeded the President's request by more than $800 million.

On October 3, 1972, the Senate passed and sent to a conference committee with the House its new version of the Department of Labor and the Department of Health, Education and Welfare's appropriations. This bill established the same spending level as the previously vetoed bill but allowed the President to cut $935 million from the appropriation so long as he did not cut any one appropriation by more than 10%.

On October 14, 1972, the conference committee passed out a bill appropriating the original $30.5 billion but allowing the President to impound $1,238,919,500 provided he did not cut any one appropriation by more than 13%. Thus, the bill still exceeded the presidental budget request by $533,000,000.

On October 27, 1972, nine days after Congress adjourned, Nixon pocket vetoed the Department of Labor and the Department of Health, Education and Welfare's appropriations bill along with eight other bills.

During this legislative/executive branch battle, funding for the departments had been continued by continuing appropriations resolutions. The first such bill, passed June 30, 1972 (HJR 1234), provided funding for several departments and agencies. The resolution was extended three times: first to September 30, then to October 14, and finally to February 28.

On February 21, 1973, the House passed HJRes 345 to continue funding of United States foreign aid programs and the Departments of Labor and Health, Education and Welfare until the end of fiscal year 1973.

Final action on this matter came on February 28, as the Senate and the House passed the report of the conference committee by voice vote. The funding level for Labor and HEW was set at $29.85 billion, or $1,083,000,000 more than the administration's request.

During the debate over the bill, Representative Norris Cotton (R-New Hampshire) stated that he had been authorized by HEW to state that the department would not spend more money than the President's request.

3. The third problem area in federal funding occurs after actual appropriations have been made. There can be serious time lags between the appropriation and actual receipt of funds, resulting in programs operating on good faith, assuming that the appropriated funds will reach them. Even worse, federal funds are sometimes withdrawn in the middle of the year leaving a program stranded with few alternatives other than closing down. These withdrawn funds may be redistributed, causing problems for that program, too. Late injections of funds allows programs to hire more staff, but the next year they may not receive the bonus they received this year and since their program is geared up for a higher level they will have to cut back staff and services.

There are other distribution problems that can lead to poor integration of state and federal funds for Title VII ESEA programs, bilingual programs. The federal funds go directly to the school district, but the state also runs a bilingual program. This separation of funds and, therefore, of programs means there may be duplication of services in some areas and severe lack of services in others. Situations such as these can easily lead to problems unless there are clear lines of communication and agreement on goals and methods.

B. State Level Problems

There are a number of problem areas at the state level. Some result directly from the budget process while others result from legislation or department problems. Here is an outline of the problem areas identified, followed by a brief description of each:

1) Lack of priorities.
2) Timing of funds (Budget Period)
3) Delivery of funds - Reimbursement
4) Legislation Deficiencies
5) Program Deficiencies

1. Priorities

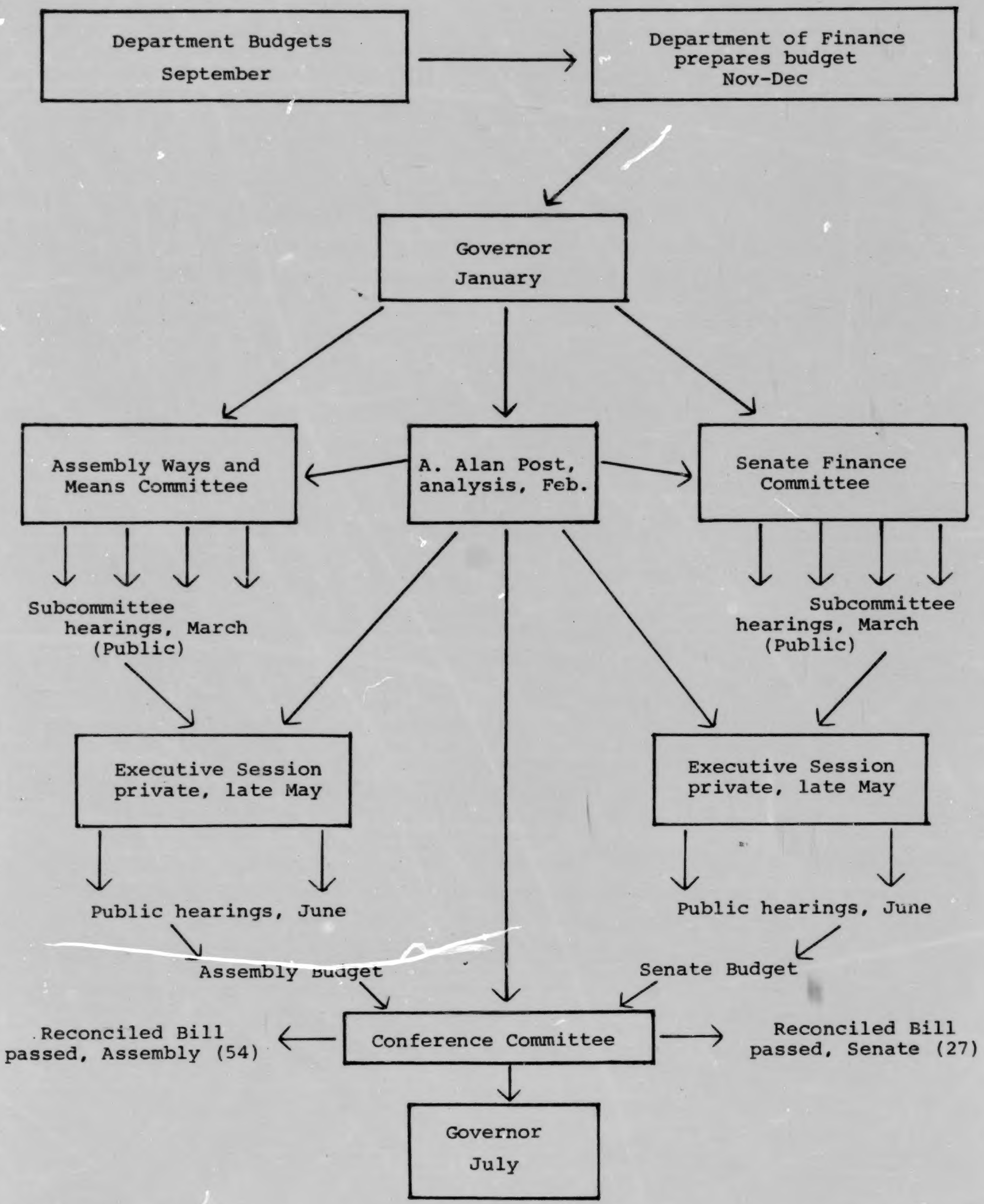
There seem to be no established priorities in the funding of services to children and youth. Allocations are now based on a combination of immediate need, political visibility, and pressures from interest groups. Unlike most other groups, children are unable to represent themselves in the political arena and must depend on outside spokesmen. But these spokesmen are few in number and are concentrated in only a few areas. For example, crippled children and mentally retarded children have strong representations. With no established priorities and no strong mouthpiece, the allocation of funds to children and youth will continue to suffer.

2. Timing of Funds

The formulation of the budget begins up to 18 months before the fiscal year in which it is to be implemented. This schedule means that in January, 1973, work began on the 1974-75 budget. In July of every year the Department of Finance publishes a Price Letter, which is a prediction of what the economy will be doing the next year. This is to aid the departments and agencies in developing their budgets for the next year. In August a Planning Estimate is sent to all departments. This is developed by the Department of Finance and is an estimate of what each department will need for their operations next year. This estimate is a lump sum for each department and is a challenge to the departments to stay within this estimate. In September and October the Department of Finance has budget hearings with the departments and prepares an analysis of department change proposals. Throughout November and December there are discussions between the Cabinet, Department of Finance, secretaries of the agencies, and sometimes the Governor on only the most crucial issues in the budget. The printing of the budget is done in January. The budget then goes to the Legislative Analyst, the Assembly Ways and Means Committee, and Senate Finance Committee for analysis.

The diagram on the next page shows the budget bill's journey on its way to final approval by the Senate, Assembly and the Governor.

There are serious problems associated with the yearly budget system. The uncertainty of funding can be a severe inhibiting agent and results in less efficient program planning and operation.


Department Budgets
September
Department of Finance prepares budget Nov-Dec
Governor
January
Assembly Ways and Means Committee
A. Alan Post, analysis, Feb.
Senate Finance Committee
Subcommittee hearings, March (Public)
Subcommittee hearings, March (Public)
Executive Session private, late May
Executive Session private, late May
Public hearings, June
Public hearings, June
Assembly Budget
Senate Budget
Reconciled Bill passed, Assembly (54)
Conference Committee
Reconciled Bill passed, Senate (27)
Governor
July

Annual evaluations and funding tends to put the emphasis on short-term programs which have quick and visible results. Also the fiscal year budget does not always coincide with operational needs. For example, teacher contracts are due in May, and yet it is impossible to know exactly how much staff will be needed the next year since the actual budget figures are not known until July.

Possible problem areas exist in the budget process itself. In the budget system there are three private meeting sessions. It is in the private sessions that decisions are formally made. None is made at the public hearings.

3. Delivery of Funds

Serious lags in actual receipt of funds occur. In some instances programs have been put in operation for the approved time and discontinued before any of the appropriations have been received. An example received from Task Force member Thomas English of these funding lags is the Early Intervention Program. Money was to be granted to Catholic Social Services in Stockton (1972-73 fiscal year). The program was approved in July, money was allocated in October, but not actually received until February. The program did not begin until April, though it was scheduled to start in the previous September. Other problems with lags stem from reimbursement system deficiencies. Reimbursement time and systems vary from one program to another; some are on a monthly system while others are on a quarterly system.

Another hindrance to the efficient delivery of funds is the existence of departmental disputes. These disputes arise over contracts between two or more departments to operate jointly certain programs. Disputes arise due to differences in philosophies between departments, as well as difficulties over authority and control of money and programs. Too often appropriated funds are never spent or are delayed for months because of these disputes.

4. Legislation Deficiencies

While the Legislature may profess humanitarian ideals and pass large amounts of "intent" bills to prove this, a closer look shows a vast difference between intent and actual results. Several examples of this difference can be cited. One was received in a response from the County of Los Angeles Probation Department, Camps and Schools Division Headquarters. The following statement is part of their response:

> "This Department is concerned with the supervision, care, and treatment of delinquent children in Los Angeles County. Currently, upwards to 1,000 children are in residential treatment programs operated by the Probation Department. The initial state legislation, 1948-54, indicated an intent on the part of the state for a partnership to obtain local treatment for delinquents rather than delinquent children being placed in state institutions. The state contribution has consistently become less, to the extent that in 1972-73, state funding for residential treatment of delinquent children in Los Angeles County only contributed to 8% of the cost for such care. This places the financial burden for funding residential treatment programs on local taxpayers ..."
>
> "The state currently contributes $95 per month per child."

Some further study of this particular agency found that their most recent figures show an estimated average cost per month per child to be $850, with the range from $807 to $1398. These figures are a year old and have not been adjusted for inflation so their actual costs run even higher. Thus, the legislative intent on the books may not mean much in terms of actual appropriations.

Another example is found in Section 7504 of the Education Code which states:

> Section 7504. Legislative policy; educational opportunity. The Legislature hereby recognizes that it is the policy of the State of California to provide an educational opportunity to every individual to the end that every student leaving school should be prepared to enter the world of work; that every student who graduates from any state-supported educational institution should have sufficient marketable skills for legitimate remunerative employment; and that every qualified and eligible adult citizen should be afforded an educational opportunity to become suitably employed in some remunerative field of employment.

A look at the unemployment statistics and problems shows that not every student who graduates from a state high school has a marketable skill, at least not for legitimate employment.

5. Program Deficiencies

Along with all the other problems at the state level, there are those resulting from poor program development. Currently, the emphasis is on treatment of problems, not prevention. Therefore, programs are reactive in nature, with the result being a series of disconnected programs with no overall system or set of policies. Due to all the severe funding problems, more often than not programs are designed around funds available, not primarily around needs. Most programs have few guidelines for administrative costs, and no definitions of these costs. Also lacking in many programs is a concise statement of goals, structure, and content. For example, Section 11251 of the Welfare and Institutions Code states that, "Aid and services shall also be provided under this chapter to or in behalf of any child under the age of 18,..., who is in need and lacks parental support and care..." Exactly what "aid and services" entails is a matter for speculation. What one county administrator feels is a necessary service, another one may not, resulting in efficient, non-uniform services. Various kinds of improvements need to be made in the area of program development and structure.

C. Private Institutions

With the phasing out of many state mental institutions, the private mental health agencies become much more important. There are serious funding problems at the private level which threaten the continued existence of services to the public sector. Task Force member Bobbie Swanson researched this problem and gathered most of the following information.

Some of the problems arise from the fact that when private agencies accept referrals from state agencies, the state does not pay for the entire cost of the care. Therefore, the private agency must cover the remainder of the costs. There are four ways to do this: 1) attempt to obtain enough private funding to cover them; 2) increase the cost to private patients; 3) take the loss; or 4) refuse public referrals.

The magnitude of the problem is better realized after examining the sources of referrals to private agencies. In most cases, public referrals far outnumber private ones, as shown in Chart J. It is obvious then that the problem is not just absorbing a portion of the costs for one or two referrals.

Chart F shows a breakdown of the sources of income by percents. Comparing this to source of referral, there can be

CHART 3

SOURCES OF REFERRAL (4.1)
(Percentage)

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	AGENCY	Probation	CYA	Public Welfare	Community Mental Health	Community Service Bureau of DMH	Other Social Agencies	Public Schools	Parents	Other
1	Big Sister	10		14			39			35
2	Boys and Girls Aid	74	3	11					12	
3	Boys Republic	85	1	8		2			4	
4	Boys Town	69.5		30.4						
5	Charila	54		41					5	
6	Children's Baptist	10		90						
7	Children's Garden			100						
8	Stockton	29		70					1	
9	Children's Receiving			20						80
10	Clear Water	9		78						4
11	Convent	92		6		1				
12	University Mound	X		X						
13	El Nido	18		25					7	
14	F.Crittenton,Orange						25	25	50	
15	David & Margaret	60.		40						
16	Eastfield	2		60	10		1	34	3	
17	Ettie Lee	51		45			2		2	
18	Edgewood						15	65	20	
19	Faith Home	50		43					7	
20	Faustina	X		X						
21	F.Crittenton, L.A.	40	1	28		1	5	1	4	20
22	Fred Finch	37		23					38	
23	Golden State	30		70						
24	Good Samaritan	75		25						
25	Hamburger	48		4			31		17	
26	Hathaway	10		60	5	1	3	4	15	2
27	Hillsides	9		79			2		9	1
28	Hillview	15		62					22	
29	Hollygrove	4.8		63	4.8			4.8	22.6	
30	Homewood	30		35					35	
31	Lane	25		75						
32	Lark Ellen	40		50				8	2	
33	[illegible]	20		70			10			
34	Lincoln	2		9	3		7	71	3	5
35	Ming Quong	73		37.8					30.4	243
36	McKinley	14		55	4	6	1		20	
37	[illegible]	40		60						
38	[illegible]	20		44			1		35	
39	St. Joseph's	16		78					6	
40	[illegible]								100	

Source: Reports and Surveys of California Association of Children's Residential Centers.

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CHART F (2.3)

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SOURCES OF INCOME
(Percentages)

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	AGENCY	Public Agencies	CHAMPUS	Private Placements	Other Insurance	United Way	Church or other Sponsoring Service	Investment or Endowment Income	Capital Transfer to Operating	Deficit	Other
1	Big Sister	75				14	10				1
2	Boys and Girls Aid	73	20	2		4		1			
3	Boys Republic	46.8	1.1	1.2		.9		3.5		4.5	42
4	Boys Town	*									
5	Charila	90.7					9.3				
6	Children's Baptist	85	5			3	3	2		2	
7	Children's Garden	100									
8	Stockton	91		1				2			6
9	Children's Receiving	90									10
10	Clear Water	90	4	6							
11	Convent	81.6		.4		4.7	13.2				.1
12	University Mound	77			5	8		10			
13	El Nido	58				25	15				
14	F. Crittenton, Orange	70	5	15						10	
15	David & Margaret	76				6	11	11			4
16	Eastfield	63		6		13		9			9
17	Ettie Lee	90		1				7			2
18	Edgewood	10	2	4				60	5	5	14
19	Faith Home	62.7					37.3				
20	Faustina	100									
21	F. Crittenton, L.A.	80							5		15
22	Five Acres	66.2		.7		13.1	6.1	10.7	3.2		
23	Fred Finch	79	4	2		4	8	1	2		
24	Golden State	80									20
25	Good Samaritan	90					5			5	
26	Hamburger	69		7		16	8				
27	Hathaway	80	1	1	1	8	6		1	1	1
28	Hillsides	79		.4				6.4	6.3		7.9
29	Hillview	42		2		2	47	2			5
30	Hollygrove	33.9		1.8			19.3	39.1			5.6
31	Homewood	44		5		21		15			15
32	Lane	96	4								
33	Lark Ellen	80				10	10				
34	LeRoy	87									13
35	Lincoln	49	7.4	11		14.8	14.5	1.3	11		
36	Ming Quong	79.3		3.1			4.5				[illegible]
37	McKinley	70	1	2	3	13	11				
38	Marin	90					10				
39	Maryvale	41.5				10		21.5			[illegible]

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seen several large differences between the two figures. For example, 93% of all patients at El Nido are from public agency referrals (18% Probation, 75% Public Welfare). On the funding side, however, only 58% of the costs are paid by the state. United Way funds make up 25% of the total. Another example is Eastfield with almost 100% public referrals, but with only 63% public funding. Here United Way contributes 13%.

As stated previously, one way to cover the costs of public referrals is to obtain private funding, such as United Way. But this option has several faults. First of all, the amount of time and expense involved in applying for private funds is considerable, and there is no guarantee of receiving funds. So it may be cheaper, easier, and more efficient to pass on the costs to private patients. An even more serious problem is the fact that private funding agencies are beginning to refuse and withdraw funds, if they are used to substitute for state funds. Their reasoning is that if public referrals went to public institutions the costs would be fully covered. So by not giving private agencies full funding the United Way subsidizes the state by picking up the rest of the costs. More and more private funding will be withdrawn if the state continues to refuse full funding for their referrals. With private funds contributing up to 25% of the budget, withdrawal of these funds will be disastrous.

Even if private funds were not in jeopardy they would still not be sufficient to cover the costs in many cases. Monthly costs and monthly rates (the amount received per placement) are often different, with costs being up to $472 a month greater than the rates requested for '72-73. (The actual rates may be even lower than the requests, thus increasing the differences.) The potential annual cost to these private agencies due to the difference between costs and rates runs into the thousands of dollars, and even more for several agencies.

There are few solutions to the problem. Private funds are not sufficient and some are being withdrawn. The losses are too great to the agencies to sustain. It is unfeasible and unjust to pass on higher costs to private patients. With the state institutions closing it is unfeasible to refuse public referrals. Full funding by the state for public referrals appears to be the best solution, if there is to be continued existence of good quality care for children.

There are other funding problems at the private level also dealing with state funds. The funding is often based on a predetermined number of visits. In this number of visits the child's problem is to be solved; however, this crisis treatment is usually inappropriate for children. Their problems are developmental, not temporary crises which request only short-term help. And yet, funding is still given only for a short time and for a prescribed number of visits, regardless of the individual situation. Another problem arises when the state funds only for quotas. Any placements taken after the state quota is filled will not be funded by the state. This puts the agency in the position of picking up all the costs or refusing services, neither of which is a good alternative.

Further research in this area is needed to determine the actual scope of the problems and formulate reasonable solutions.

D. Grants System

A problem that was continually run into throughout this study concerns the current grants system. One major funding resource is the variety of grants available for certain projects. The concept seems simple enough: 1) a program is designed; 2) then you find out what funds you can apply for; 3) fill out the application. You either receive the funds or you do not. That is, however, not how the process works.

There are problems beginning with the first step. Programs are rarely designed without regard to what funds are available. It is the other way around. First, you determine what funds are available, then a program is designed around them. This is a perfectly rational process since you have a much better chance of obtaining funds if your program fits certain funding categories extremely well. But this process means that the actual needs of the people are not the first priority.

The second step presents more problems. There is no central bureau that has complete information on what grants are available or how to apply for them. Many grants are left unapplied for simply because people did not know about them. Large programs that can afford to hire a full-time grantsman have an extreme advantage over small programs that must use regular personnel on an as-time-allows basis.

Once you have determined funding sources available to you, there are still formidable problems to be overcome. At the federal level alone there is a multitude of categories to apply for funds under. This can be seen from the list in Appendix A, page VI-62, compiled by Task Force member Joyce Yarbrough. Each category requires a separate application, many of which are extremely lengthy, complicated, and often irrelevant. The small program is again at a disadvantage here as they 1) do not have the expertise that a professional grantsman would have, and 2) cannot afford the time required to fill out all these applications.

The last part entails many problems also. Decisions are based on a number of factors, possibly including how well your application was written, visible results of your program, plus a number of other subjective considerations. Even if your applicatio[illegible]pproved, it may take months to have achieved that. Then there is often a delay in the actual receipt of funds.

Rhoda Katz did extensive research in this area and the following are excerpts from her report:

.erhaps of greatest concern to all people I talked to was the expression 'Where do I go first to obtain information about funding money'? Although the big agencies know, the filtering process bogs down somewhere. The information is not readily available. Government tends to give vague and generalized answers, unless one makes a personal contact and becomes tenacious and persistent. That more than anything is the name of the game.

"Inter-agency communications need to be established along more direct channels. It would appear that there is little or no discussion regarding the nature of project proposals being submitted to one agency in cases where it would be more appropriate to submit that proposal to another agency. This lack of communication tends to slow up applications for months, sometimes years.

Most interviewers felt that a viable, interlocking system could be developed whereby applications for federal, state and local grants could have a standardized format. The other feeling was that guideline information from the grantor could be translated into simpler language. The other suggestion was that applications should include a glossary or 'definition of terms' statement in the body of the application."

From both the research of Ms. Katz and the responses in the questionnaires, it is apparent that the current grants system has extensive problems. Not only is information on grants lacking, but the multitude of strict categories makes applying for grants complicated, tedious, and often futile.

E. Questionnaire Results

There was approximately a 20% return on the questionnaires. Following is a tabulation showing the breakdown of the frequency of specific responses.

(63%) Uncertainty of funds - (28)
(36%) Erratic funding - (16)
(53%) Insufficient funding - (24)
(33%) Rigid Categorical Limitations - (15)
(16%) Other - (7)

1. Uncertainty of funds

As can be seen from the above, uncertainty of funds ranks as the number one problem. Almost all of the programs operate under annual appropriations. Under this system a yearly budget estimation is submitted to the provider(s) of funds, and a program evaluation is conducted yearly. Funding levels fluctuate from year to year and so there is no guarantee that programs will even be continued at the same level as the previous year. This uncertainty places emphasis on short-term programs with easily visible results. Staffing becomes a severe problem. As one reply states, "Administrative staff has a perpetual feeling of 'not having a job' when the next budget is submitted for approval. This has a direct influence on level of service to program participants". (Pilot Project - "Delinquency Prevention Resource Development".)

All funding sources contribute to this problem. As the Legal Education Programs have discovered, "It is becoming more and more difficult to get private contributions" and "Grantsmanship has become a political game". The enormous amount of time spent in applying for various funds could be spent in the actual operation of programs.

The Mental Health Program of the Los Angeles Unified School District provides a good example of the problems faced by program operators. Not only is this agency subject to the complex, inefficient school financing system, but also it must compete each year for educational funds as no amount is specifically earmarked for mental health programs. Following is the statement received from that agency, including their recommendations.

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FUNDING PROBLEMS
(check appropriate boxes)

Nature of Problem

1. ☑ Uncertainty of funds (yearly appropriation)
2. ☐ Erratic funding (funds received or cut during fiscal year)
3. ☑ Insufficient funding
4. ☐ Rigid categorical limitations
5. ☐ Other (explain)

Brief Description of Problem and Impact on Program Operation

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The Mental Health Program of the Los Angeles Unified School District is funded from General Purpose Educational Funds. From 1967 to 1972, the shortage of educational funds was so acute that the Mental Health Section was threatened with elimination annually. In 1970 funds were cut 50%. The Program has survived the hazardous funding problems only because of the commitment of its staff.

The problem centers upon the use of educational dollars for health and mental health services. With the trend towards reduced enrollments, educational funds will be further reduced with resulting curtailments of non-classroom services.

The solution would seem to be in assigning mental health dollars to school districts for the development of mental health programs within the educational system. Then such greatly needed service would not have to compete for educational funds.

Suggested remedial steps to eliminate problems

1. Recommend that funding be based on function to be served. e.g. for mental health tasks that occur in educational, welfare or health service agencies, mental health dollars should be assigned for mental health functions.
2. Recommend that budgeting and funding be projected into 5 year time frames instead of yearly to reduce program disruption.
3.
4.

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2. Erratic and Insufficient Funding

Once funds have been obtained they may not be enough or they may be withdrawn in the middle of the year. The Director of Early Childhood Education of the Ravenswood City School District in East Palo Alto documented both these problems. In previous years their preschool program was funded annually which causes problems enough, but this year the program was funded only through January 31, 1974. A cutback in funds has caused other serious problems as can be seen from this statement:

"Due to erratic funding and insufficient funding we are having to cut back from our usual 219 project children (Children's Center and State Preschool) to a total of only 189. This cutback in requested hours of operation is causing us to also have to reduce our staff by releasing the project nurse, parent coordinator, curriculum librarian, two (2) full-time aides, and two (2) part-time aides, together with not being able to purchase any capital outlay items and having to cut back on the amount of instructional supplies needed for operational purposes."

With funds provided only for six months at a time or a one year boon (as the University of California Child Care Program is receiving) efficient program planning and operation is impossible.

3. Rigid Categorical Limitations

There are several problems associated with categorical funding. Too often programs are designed around funds available, instead of around the needs of the people because to obtain funds the program must meet certain qualifications. Then there are continued problems as regulations and eligibility requirements constantly change. On the other side, often eligibility requirements are extremely unclear so decisions about who really is eligible may become subjective and differ from one locale to another. One program that suffers from both sides of the problem is the Los Angeles Free Clinic. There is no general category under which this program can apply for funds, and the categories that do exist for portions of their program are not conducive to their operations. The Program Administrator stated these problems very clearly on the following page.

It was impossible to determine the actual magnitude of these problems within such a short study. However, the fact that program operators continually feel they exist is a good indication that there are areas that need study and improvement. At the administration level, uncertainty of funding was not seen as a potential serious problem to a program's operations. And yet, the program operators feel it is their biggest problem. There must be some reason for this apparent contradiction. The program operators must base their responses on something. The frustrations stated by a worker in the Los Angeles Unified School District are representative of many people in many different programs, not just education:

"Without knowing what the funding will be it is impossible to plan a program, particularly for a district this large, in any reasonable manner. Local property taxes may change from year to year. The amount of money from the state fluctuates from year to year and the federal government funding is very erratic -- funds sometimes being withdrawn in the middle of pilot programs.

"The local school districts are at the mercy of the Legislature and/or the Governor. They can always change funding at the last

FUNDING PROBLEMS
(check appropriate boxes)

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Nature of Problem

1. ☐ Uncertainty of funds (yearly appropriation)
2. ☐ Erratic funding (funds received or cut during fiscal year)
3. ☒ Insufficient funding
4. ☒ Rigid categorical limitations
5. ☒ Other (explain)
Lack of proper legislative categories for Free Clinic comprehensive health care programs.

Brief Description of Problem and Impact on Program Operation

The Los Angeles Free Clinic has served an estimated 125,000 young people (ages 12-25) in the last five years and has established itself as an international model for community self-help and innovative ways of reaching alienated youth and poor people, primarily through a comprehensive group of services, highly accessible in location and hours, and under one roof.
The Clinic has established high levels of quality care and cost effectiveness -- cost per patient visit ranges from $2-$4.

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Most funding categories which touch on Clinic services do so in such a way as to interfere with patient confidentiality or require extensive justification -- financial screening, billing, etc. -- to the point where accepting funding on that basis would make the Clinic characteristic of the places alienated people seek to avoid.
Also, having to seek funding on a segmented basis for each department of the Clinic makes it virtually impossible to provide the co-ordinated multi-service help we want to give. Different services would have different procedures and eligibility requirements, etc.

Suggested remedial steps to eliminate problems

1. Establish categorical legislation for free clinic and other multi-service community-based health care organizations.
2. Establish more trusting and/or realistic methods of fiscal and program evaluation.
3. More $.
4. Involve free clinic representatives in advisory, planning, and decision-making bodies.
5. More immediate government response -- for example, the Clinic was one of several agencies calling attention to drug abuse problems over 5 years ago and it took until now for any decent funding to come through "channels".

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minute which forces the local district to either cut planned programs -- new or old -- or raise money on its own through permissive tax overrides of one kind or another. Programs once eliminated are rarely restored.

The results of erratic, insufficient funding are erratic and insufficient programs."

F. Foster Care - An Example of Funding Problems

The following is a report compiled by Task Force member Esther Kessel, who has had years of experience in foster care. It is included here because the Foster Care program suffers from most of the problems discussed in this entire report. The resources for her report are her own experiences, interviews with 1) a former administrator of child welfare programs, 2) Foster Home Section head, 3) member of the County Board of Supervisors, and from the books dealing with foster care listed in the Bibliography.

Introduction: Children in foster care represent children at high risk. First is the factor of separation from the natural parents with the many psychological implications for both children and parents. Most generally some degree of family breakdown has occurred which necessitates the placement of the child. Often the child has been neglected or abused and removal is ordered by the Juvenile Court. In any case, the child entering a substitute family or an institution, is in need of a variety of services. As such, a lack of service in any area must, in effect, present problems for the foster home program.

It is outside the scope of this paper to talk about the area of preventive services. However, one must question whether this aspect also falls within the avenue of foster care. If there were comprehensive services to families and children, it seems likely that the number of children requiring out-of-home placement could be reduced. Often by the time the problem is brought to the attention of an agency, the situation has deteriorated to such an extent that placement is the only possible alternative. In addition, auxiliary services such as homemaker service might cost as an additional item in the budget, but might salvage some situations and prevent placement of the child.

The State Social Welfare Board in their report entitled, Children Waiting, reports the following finding from Dollars and Sense in the Foster Care of Children, by David Fanshel and Eugene Shinn (1972, Child Welfare League of America) based on studies of children in New York:

> - It costs up to five times as much to rear a foster child, born in 1970, to age 18 as it would if the child were reared by natural or adoptive parents.

There will probably be some children for whom return to the natural parents will never be possible. In these situations the court or the agency stands in the role of protector and assumes responsibility for the long-range interests of that child. Surely, if responsibility is so placed, it carries with it the moral obligation to insure that this child is provided a quality of service which will enable him to realize his full potential. Anything less than that is irresponsible. It is also expensive over the long run.

Objectives: Chapter 30-300 of the State Manual defines as objectives: "For children who cannot remain in their own homes, to provide temporary or long-term 24-hour placement, care protection or treatment in emergency shelter care, foster family care, group care, institutional care or residential treatment facility."

In regard to dependents and wards of the juvenile court, Division 2 Children Chapter 2, Article 1:502 of the Welfare and Institutions Code, the purpose of the chapter is described as follows: "The purpose of this chapter is to secure for each minor under the jurisdiction of the juvenile court such care and guidance, preferably in his own home, as will serve the spiritual, emotional, mental and physical welfare of the minor and the best interests of the state; to preserve and strengthen the minor's family ties whenever possible, removing him from the custody of his parents only when his welfare or safety and protection of the public cannot be adequately safeguarded without removal; and when the minor is removed from his own family, to secure for him custody, care and discipline as nearly as possible to that which should have been given by his parents."

Objectives as stated in the Alameda County Budget Message are as follows:

> "... Establish an environment through a foster home or child care institution which will counteract the disruptive forces in the child's home or community which caused him to be declared a ward or dependent of the court.
>
> "... Provide therapy for children with emotional problems to allow them to grow to maturity with sufficient stability to re-enter the community as a nondependent adult.

> "... Provide training to mentally retarded children which will assist them in achieving as much self-reliance as is possible upon maturity.
>
> "... Provide counseling and training for delinquent children which will keep them from reentering the criminal justice system."

It might be noted that the latter statement of objectives is described in the section dealing with children supported through county funds. Children whose support is partially reimbursed by state and federal funds are included under the Welfare Budget. It is presumed that the objectives are the same.

Funding of Foster Care: Foster care is funded through federal, state and county funds. It is a complicated picture. Although subventions appear to be generous, exceptions tend to create a situation where the counties bear a heavy part of the cost.

The budget is divided into payments for maintenance and payments for services. The federal government under Title IV-A of the Social Security Act provides 50% reimbursement for maintenance and 75% for specified services. However, this covers only AFDC children who have been removed from their homes by court order. New regulations provide that California may choose to apply for reimbursement of services, but not of maintenance, if the child has been placed voluntarily by his parents or legal guardian. It might be noted that the 50% share of maintenance (BHI) is not 50% of the total BHI expenditure for federal AFDC foster children, but 50% of the average BHI payment of the various counties multiplied by the number of federally eligible AFDC children. Since the rates for BHI vary from county to county, this does not represent the top BHI rate. These various factors tend to limit federal participation.

The state does not reimburse the county for services, but in order to qualify for federal aid must have a service plan. The state contributes money for maintenance to children defined as "needy" under state regulation regardless of whether or not the child has been removed by court order. The state contributes a maximum of $81 monthly for needy foster children and $40.50 for federally eligible AFDC foster children. (The actual amount is a percentage of what a given county pays for boarding a child.) Since the average BHI payment in California for December 1972 was $193, which includes the cost of institutional placements, most of the cost for maintenance is paid by the counties.[1]

Those children who are ineligible for AFDC are supported by the county. AFDC eligibility is not determined according to whether the child may be in need of foster care but is based on the basic eligibility requirements. Thus, if the parents are living together and the father is working, the child is deemed ineligible for AFDC regardless of the amount of the father's earnings. The cost of recurring special needs is met completely by the counties.

It would be difficult to figure the exact costs of the program, particularly since the budget on the county level does not reflect the number of non-delinquent children on county pay. Also, other systems interact such as eligibility determination for BHI.

Consequences of the complex pattern of funding: One striking fact in examining the budget of Alameda County is that the child is classified according to the source of funds for his support rather than a child in need of foster care. Functionally, the work is the same with foster children regardless of the source of funding. They land on the same caseloads; the problems inherent in the status of foster children are the same.

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[1] See the Funding of Foster Care in California, discussion draft prepared by the staff of Childhood and Government Project, School of Law, University of California, Berkeley.

This separation -- and confusion -- continues through the structure of protective services for children (and within the broader definition, foster care is a protective service). Probation and Welfare often carry caseloads with generally similar duties. This involves duplicate administrative structures with different philosophies, standards and lines of authority. A look at this, based upon function, rather than vested interests, might yield a more efficient structure.

In addition, the eligibility system becomes involved. Unfortunately with the present emphasis on eligibility rather than service, the foster care program is not looked upon as a program requiring specialized services rendered by qualified personnel, but as a part of the general AFDC program. This appears to be leading to a deprofessionalization of the program in some counties.

A serious issue might be raised about separating child welfare programs from the AFDC program and funding them separately on the basis that the AFDC program is one primarily of income maintenance, even though services should also be available to these children. However, there are children who can be classified as particularly vulnerable. Foster children have special problems which children with their own families do not face. First is the factor of separation from the parents and the need to adjust to a substitute family. Second is the status of having a social agency or the court assuming a quasiparental role. Third, the long-range goal for the child may be different.

If our funding was managed in such a way that we could place the emphasis on the child as a person needing special services, and not a child whose support must go through a complicated set of eligibility procedures, perhaps the savings might be more than we realize at first blush.

The present system of fragmented funding leads to two inescapable questions: Where is the responsibility for setting standards placed? Since the counties bear a large portion of the cost, how can quality programs be developed, particularly in view of the freeze on the tax rate required by SB 90 of 1972?

In California, each county sets the rate for payment to foster parents. A study by Robert L. Garcia and Jeffrey C. Widmann for the State Department of Social Welfare, Management Analysis Bureau of December 19, 1972, concludes that the process used by most counties for foster care rates has little or no regard for the actual costs of foster care and that the majority of counties did not have provisions for periodic review of foster care rates and did not make adjustments for cost-of-living increases. The report points out that the general inconsistency of rates among the counties indicated a lack of uniformity in the criteria used to set them. The report goes on to state that a flat, statewide rate for children in each age group would not appear to require an excessively high rate of pay to meet the needs of all. It might be added that since the federal government computes on the average boarding rate throughout the counties, a sizeable amount of time might be saved in computing the basic reimbursement.

At any rate, the problem of setting standards and putting basic financial responsibility on the counties for boarding home rates has led to an inconsistent pattern throughout the state, which makes the study of the funding even more confusing. It also leads to the necessity for foster parents to push decisions through political action as a pressure group competing with other groups for a share of the county dollar. What could be more removed from a logical plan to respond to the needs of children?

A number of studies reflect that foster parents are not adequately reimbursed for the cost of providing a home for a child. Yet the counties pick up the entire cost of clothing orders. Usually to obtain such an order, hours of casework and administrative time are used to justify the expenditure and get its approval. An annual clothing allowance per child would save this administrative cost.

Many recent studies have been made about the foster care program in California. All reflect a need for examination of the basic structure of the service. All point to the serious problems within the system; the shortage of adequate foster homes, the fact that once in the system the child tends to remain in foster care, often because overworked caseworkers cannot work intensively with the parents, etc. Often, because the caseload tends to be crisis ridden, the child may even be damaged more through the program. In short, because of lack of evenness and quality in the program, the goal of raising children who have overcome the emotional problems inherent in foster care becomes a matter of chance.

It would seem that the system cannot be changed without a hard look at the funding pattern. Within the bureaucratic system, the child is looked at in fragments -- a piece of him might be federally eligible -- this must be evaluated to help relieve the counties. Another part of him may be eligible for state subvention -- his foster parents may have to push on the local board of supervisors to look at the costs of raising him. Nowhere in the funding system is described a measure of accountability which would treat the child as an entity in need of special help with any number of specified problems, as a growing individual who will at some time enter adult life. Just how accountability can be worked into the funding pattern is a matter for the experts to determine.

With all the material emanating from various studies on foster care, it would seem that it might be possible to set up a task force on the legislative level which would examine the legal and social aspects of this system and come up with some innovative solutions. For example, the traditional focus on the protection of children has been lodged with the juvenile courts. This has doubtless had its effect on the heavy reliance on local funding -- is this an appropriate place for this function to be? How can the entire continum of preventive services be organized? What would be the eventual savings if auxiliary services, such as homemaker services, adequate day care centers, crisis centers, etc., were developed? Would there be a greater possibility that services to these children would be underwritten more readily if the program were placed with Mental Health, as an example? Or are we needing a state agency which would combine all services to children?

Such a study should also consider the need for building qualifications for personnel working in the program. The main problem is that it takes a child twenty years before we can know whether the intervention has been successful. However, it should be possible to gain statistics about how many parents were in foster care themselves as children. It should be possible to devise time studies which would indicate how much time the social worker needs to spend to do an adequate job, including how much time is spent on bureaucratic procedures. Such a time study could include some description of the extent of the child's problem. Many of these children are seriously disturbed; some of them come from situations that are unbelievable. It might be possible to proceed from here into an examination of what is needed in the program to truly help these children to achieve their potential, considering the handicap of needing out-of-home placement.

V. PROPOSED SOLUTIONS

A. Grant Information and Assistance Bureau

Previously in this report the massive problems associated with the grants system were detailed. As one possible solution, our task force proposes the establishment of a central bureau which would be responsible for obtaining complete information on the funds available. This bureau would also receive the applications and submit them to the appropriate departments, and agencies. Possibly a standardized application could be developed that would reduce the time involved in filling out forms. This application should be designed so that lack of expertise on the part of applicant would not effect the chances of approval.

A central clearing house such as this would be of invaluable aid. It would provide the complete information that is now so lacking. The small agency would no longer be penalized for not being able to hire a grantsman. We strongly recommend that further research be done on this proposal and that part of that research would be to develop a model of such a bureau.

B. General Recommendations

1) California is a large state and as such has a correspondingly large interest in national affairs. To solve the federal level problems concerted pressure must be put on the federal government to: 1) review and renovate their budget system, 2) review their priorities and respond more to state's needs, 3) review their categories of funds to eliminate the overlap and confusion (e.g., possibly combine the 38 educational categories

to four or five broader, more useful categories, 4) mandate longer funding periods, particularly for new programs.

2) State level and county level:

   a) Minimum 2-year funding for new programs.

   b) Equitable funding so programs do not depend on community wealth.

   c) Programs should have definite, uniform standards, a clear statement of objectives, definition of and ceiling on administrative costs, and audit and evaluation procedures specified.

   d) Applications, paperwork must be reduced (e.g., reduce 20-page AFDC application).

   e) Licensing (of residential, foster care homes, etc.) should be realistic, more related to services provided, and take into account more than just physical surroundings.

   f) Priorities should be developed with emphasis on treatment, not prevention.

   g) Budgeting and accounting for children's programs should be specific and not part of an unidentified part of an overall program.

   h) County and state rates of payment for services to children in private agencies should cover full cost of service. Currently federally mandated programs are being subsidized by necessity by private funds.

   i) Medi-Cal and Short/Doyle funding should be standardized.

j) Medi-Cal and Short/Doyle funding for in-patients should be based on something other than previous years number of patients.

k) As children are moved from state hospitals funding must be allocated to local programs to pick-up treatment needs.

l) Children's psychiatric funding must be based on other than a crisis treatment base. Problems of children are developmental, require a number of disciplines, and cannot be time-limited.

m) Private hospitals must have funding based on patient needs and not predetermined "quotas."

n) Medi-Cal payment fee schedules should be annually reviewed and updated.

o) Funding of programs (health, education, welfare) should be through one central source. Agencies now must bill a multiple number of programs for fees earned.

p) Medi-Cal, Medicare, etc., must pay for patient billings within four weeks of submission.

q) Develop realistic funding guidelines for foster and group homes for protective services, Mental Health, etc., to encourage more providers of service.

r) Ensure that all funds which are saved through non-use of state hospitals be passed on to local programs.

s) Encourage County Mental Health programs to contract with existing services, public or private agencies to provide needed services rather than develop duplicate services.

t) Federal grants to county programs should be reported and identified as revenue. Also, more coordination is necessary between counties to eliminate unnecessary duplication of grants.

u) There must be more consistency of regulations and requirements, must not vary from one county to another.

v) Clarification and simplification of bureaucratic procedures for licensing, zoning, program approval, etc.

VI. AREAS FOR FURTHER RESEARCH

A. This report is only a preliminary study and, therefore, further research is needed in the entire area. However, some specific areas can be identified for more study.

1) Our report did not investigate the problems of the counties specifically. Research needs to be done determining processes and amounts of money going to counties. Is there a general system, and if so, what is it based upon? Is the funding of money to the counties equitable, according to population and needs? This is a significant area that should be examined.

2) The optimal level of program operation should be determined. This does not mean the amount of funds each should get. It means that each program must be examined and determined whether it should be operated on a federal, state, county or city level. Some programs are obviously too costly or complex to be operated by the individual counties. Very little research has been done in this area and study is needed for a more efficient operation of programs.

3) Data on the use and effectiveness of funds is sorely lacking. At every turn our efforts were stymied by the absence of both the necessary data and the channels to obtain this data. Research on amount of funds available, appropriated, wasted, used, etc., must be done to generate the data needed to run programs efficiently and evaluate their performance.

4) A study detailing the costs associated with time lags in appropriations would be helpful in emphasizing the importance

and consequences of these funding problems. Also, studies comparing the costs of patroling and searching for fraudulent claims with the estimated cost of those claims would be very informative. A similar study would be to estimate later treatment costs resulting from poor preventative programs and compare those figures to the cost of preventative programs (e.g., prenatal care vs. later medical treatment).

VII. LIST OF INDIVIDUALS INTERVIEWED

Bates, The Honorable Thomas - Alameda County Supervisor

Boyd, James - Health and Welfare Agency

Brown, Albert C. - Department of Finance

De Soto, Daniel M. - Assistant Director, Human Relations Department, EOP

DiRusso, Earlyne - Executive Director, Children's Receiving Home of Sacramento

Geiogue, Harold E. - Legislative Analyst Office

Grabbs, Thomas - Drug Abuse and Alcoholism Council, L.A. County Public Health

Hampton, Robert - Senate Finance Committee, Principal Consultant

Holiday, Duane J. - Executive Director, Easter Seal Society for Crippled Children and Adults of Sacramento, Inc.

Hunt, Harvey - Department of Education

Kotrous, James S. - Health and Welfare Agency

Lee, Richard A. - Legislative Analyst Office

Mockler, John - Assembly Ways and Means Committee

Monroe, Sister Grace - Director, Grace Day Home

Petch, Frank - Section Head, Foster Homes Department

Peterson, John - L.A. Mental Health Commission, Welfare Planning Council

Roar, Anita - Projects Development Specialist Southern California Region, Salvation Army

Rudin, Edward, M.D., Director, Sutter Hospital Mental Health Program

Sosa, Carlos - Director, NIMH funded project "Outreach" for Department of Public Social Services, L. A. County

Straub, Jack - District Director, Children's Home Society of California

Swanson, C.E., M.D. - Chief, Out-Patient Children's Psychiatric Services, Sutter Diagnostic and Treatment Center

Thompson, Steve - Assembly Ways and Means Committee

Vance, Rex - Grant Coordinator, L.A. County Chief Administrator's Office

Van Metre, Katherine - Child Welfare Supervisor

West, May - Director of Agency Relations, United Way of Sacramento

Wooley, Mrs. Elizabeth - Foster Mother

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- McMahon, John H. - Productive Press Relations, The National Public Relations Council of Health and Welfare Services
- Moffett, Toby - The Participant Put-On Nobodies Business
- Reports on Day Care, Hire-A-Youth, Foster Care, and Runaway Houses, Community Services Planning Council
- Report on Findings and Recommendations Regarding Criteria Relating to HRD Programs, 1973
- Reports and Surveys of California Association of Children's Residential Centers
- Review of Some Aspects of the Funding Program in California -- Vocational Education, January 1971

APPENDIX A

LISTING OF FEDERAL GRANT PROGRAMS

FOOD AND NUTRITION SERVICES

10.550 - Food Distribution (Food Donation Program)
Estimated Funds for FY 1973-74 $14,000,000

10.552 - Special Food Service Program for Children (Nonschool Food Program)
Estimated Funds for FY 1973-74 $60,000,000

10.555 - National School Lunch Program (School Lunch Program)
Estimated Funds for FY 1973-74 $1,075,000,000

10.553 - School Breakfast Program
Estimated Funds for FY 1973-74 $24,000,000

10.556 - Special Milk Program for Children (School Milk Program)
Estimated Funds for FY 1973-74 $24,000,000

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HEALTH SERVICES

13.259 - Mental Health - Children's Services
Estimated Funds for FY 1973-74 $8,000,000

13.266 - Childhood Lead-Based Paint Poisoning Control
Estimated Funds for FY 1973-74 $6,500,000

13.261 - Family Health Centers
Estimated Funds for FY 1973-74 $13,000,000

13.211 - Crippled Children's Services
Estimated Funds for FY 1973-74 $64,900,000

13.217 - Family Planning Projects
Estimated Funds for FY 1973-74 $113,500,000

13.232 - Maternal and Child Health Services
Estimated Funds for FY 1973-74 $153,000,000

EDUCATION

13.427 - Educationally Deprived Children
Estimated Funds for FY 1973-74 (Special Revenue Sharing)

13.444 - Handicapped Early Childhood Assistance (Early Education Program)
Estimated Funds for FY 1973-74 $12,000,000

13.445 - Handicapped Innovative Programs Deaf Blind Center
(Regional Centers for Deaf-Blind Center)
Estimated Funds for FY 1973-74 $10,000,000

13.449 - Handicapped preschool and School Programs
(Part B, Education of the Handicapped Act)

13.403 - Bilingual Education (Title VII)
Estimated Funds for FY 1973-74 $35,000,000

13.410 - Dropout Prevention
Estimated Funds for FY 1973-74 $4,000,000

13.428 - Educationally Deprived Children (Title I, ESEA - Part A)
Estimated Funds for FY 1973-74 (Special Revenue Sharing)

13.429 - Educationally Deprived Children - Migrant
Estimated Funds for FY 1973-74 (Special Revenue Sharing)

13.433 - Follow Through
Estimated Funds for FY 1973-74 $41,000,000

13.511 - Educationally Deprived Children Special Grants for Urban and Rural Schools
Estimated Funds for FY 1973-74 (Special Revenue Sharing)

13.512 - Educationally Deprived Children - Special Incentive Grants
(Title I ESEA - Pt. B)

13.516 - Preschool, Elementary and Secondary Education - Special Programs and Projects (Title III, Section 306)
Estimated Funds for FY 1973-74 (Special Revenue Sharing)

13.519 - Supplementary Educational Centers and Services, Guidance, Counseling and Testing (PACE - Projects to Advance Creativity in Education)

13.520 - Special Programs for Children with Specific Learning Disabilities
Estimated Funds for FY 1973-74 $3,250,000

13.528 - Emergency School Aid Act - Bilingual School Aid Act
Estimated Funds for FY 1973-74 $9,900,000

13.529 - Emergency School Aid Act - Special Programs and Projects
Estimated Funds for FY 1973-74 19,900,000

13.533 - Right to Read - Elimination of Illiteracy
Estimated Funds for FY 1973-74 $ 12,000,000

60.005 - Educational Services - Elementary and Secondary Education
Estimated Funds for FY 1973-74 $257,000

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DHEW Publication Number (HSM) 73-9081, Printer 1973
$2.00

Federal Assistance Programs for Mental Health and Developmental Disabilities Services, Morris Associates, Governmental Affairs Consultants, Washington, D.C.
$9.00 yearly subscription

Catalog of Federal Domestic Assistance Programs
$9.50 yearly subscription

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EMPLOYMENT AND JOB TRAINING TASK FORCE

ASSEMBLY SYMPOSIUM ON SERVICES TO CHILDREN AND YOUTH

H. E. "Gene" Adkins
Task Force Coordinator

EMPLOYMENT AND JOB TRAINING TASK FORCE MEMBERS

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EMPLOYMENT AND JOB TRAINING--TABLE OF CONTENTS

Page

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS VII-3

II. INTRODUCTION VII-5

III. OVERVIEW VII-8

- A. Problems Identified VII-8
    - 1. School System VII-8
    - 2. Free Enterprise VII-9
    - 3. Existing Programs VII-11
    - 4. Others VII-12
- B. Proposals VII-13

IV. REPORTS OF INDIVIDUAL TASK FORCE MEMBERS VII-17

- A. Problems of Employment and Job Training Affecting Children and Youth in California VII-17
- B. Problems and Possible Solutions VII-20
- C. Employment and Job Training VII-22
- D. Child Labor Laws VII-24
- E. Proposal for Establishment of Permanent Committees VII-30
- F. Motivation in Relation to Psychological Issues Involving Youth Employment VII-32

V. ECONOMIC ANALYSIS VII-36

VI. REPORTS ON SPECIFIC AREAS VII-45

VII. BRIEF DISCUSSION OF VOCATIONAL EDUCATION, MINIMUM WAGE LEGISLATION, AND EMPLOYMENT STATISTICS VII-54

VIII. BIBLIOGRAPHY VII-58

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS

The Task Force identified a series of problems relating to youth employment. We listed the problems under four general headings in order to provide a conceptual structure for addressing them. First, we listed the problems found in and with the school system, next the problems in the cortex of the free enterprise system. We found problems with existing programs which cut across the public and private sectors. Finally, we listed problems encountered but which did not lend themselves to any heading except "others."

Section B of Part III provides a list of possible actions which could be taken in attempting to solve the identified problems. The proposals range from specific operating techniques to insure job stability to the broader area of proposing expanded and upgraded career education and guidance programs in public schools and employment offices.

We found a need for transportation programs to move individuals from home to work and a need for establishing a comprehensive data system to provide policy makers with information on the "real world."

"'Work hard boy and you'll find,
one day you'll have a job like mine...
Be wise, look ahead, use your eyes' he
said, 'be straight, think right.'
But I might die tonight!"

Cat Stevens

II. INTRODUCTION

The Problem Identification Workshop of the California Assembly Symposium on Services to Children and Youth held June 23, 1973, identified the following general problems relating to the employment of youth:

1) A shortage of jobs for youth.
2) Jobs, when available, which generally provide low wages, limited promotion and/or limited duration.
3) Inadequate preparation of youth to compete for and obtain employment.

The Task Force on Employment and Job Training for Youth in California met three times, July 28, August 11 and August 29, 1973. The first phase of the Task Force effort was to attempt to define the nature and extent of the problems leading to youth unemployment. Our strategy was to draw upon the varied background and experience of our Task Force members in order to crystalize their perception of the problems confronting youth. In addition, Gene Adkins and Bruce Ogden began to lay the groundwork for identification of specific problems related to several areas of California. Those areas were San Francisco Chinatown, the Salinas Valley, East Los Angeles and Orange County.

San Francisco Chinatown was chosen because it poses a unique problem. San Francisco Chinatown youth is in transition. Some are confronted with the problem of inadequate English language ability. These youths, recent immigrants, are too old for basic

English as a Second Language program which has recently been established in the public schools. On the other hand, they are too young to qualify as the head of a household for federally-funded English language training provided in conjunction with manpower programs.

The other youths are the American-born Chinese. We did not know whether their employment problems were unique, but we learned from a previous study of the Chinatown North Beach areas of San Francisco that reported juvenile crime was on the upswing and that gang activity has become increasingly violent in the past few years.

We selected East Los Angeles partly because there was Task Force representation from the area, thereby providing us with easier access to knowledgable people. We also chose East Los Angeles because of the long history of youth gangs and the seeming importance of the gang structure to youth in that area.

The Salinas Valley was chosen because it is rural and we felt it was essential that the Task Force examine the employment problems of rural youth. Salinas was selected over other areas because Gene Adkins grew up and worked as a youth in the Valley.

Orange County was picked because three of our Task Force members are involved in various aspects of manpower and education in the County. In addition, we felt that Orange County is a microcosm of California's employment, population and economic problems.

In this report we have taken a bird's eye view to determine the general problems that exist with respect to young people attempting to enter the "world of work." We have attempted to isolate some of the reasons why these problems exist. Then, we propose possible solutions to the overall problems, both to curb them as well as to establish a mechanism to help prevent new problems from occurring.

Next, we have taken a worm's eye view to determine what problems are unique to specific categories of the population (Chicano, Chinese, rural). Once the problems specific to certain areas and races of the population were isolated, we attempted to determine why those problems are unique to these categories. Possible solutions are proposed to deal specifically with these problems.

Some areas that need to be seriously considered for further investigation are listed. A brief description of how these might be approached is also included. In suggesting these research priorities, we do not mean to imply that no such studies are underway, nor that action should wait upon research findings. Our objective is to move more rapidly toward closing the school-work gap based on action programs with built-in research feedbacks.

III. OVERVIEW

A. Problems Identified

Following is a list of the problems mentioned frequently enough to be considered significant. They are broken down into broad categories for easy reference but are not listed in order of severity.

1. School System

The present education system in California is not meeting the needs of youth with respect to preparing them for employment. Education Code 7504 says that the school system should provide graduates with a saleable skill. This is not being done. Some specific problems found in the school system include:

(1) High school graduates often lack basic knowledge of where and how to look for work.

(2) Few role models are provided to serve as tangible evidence of the possibility of attaining far distant goals.

(3) There is a lack of communication between high schools and agencies dealing with employment.

(4) The school system provides little if any job-related skill training.

(5) After receiving vocational education, the student finds that no jobs exist. This may be a result of poor market projection or declining marginal employers.

(6) Bi-lingual instruction is often lacking, especially in the upper grade levels, for recent immigrants of non-English speaking countries.

(7) When English training is available, it often is not job-related.

(8) Vocational counseling is inadequate.

   (i) Many students believe that a college education is essential for getting a good job.

   (ii) Most guidance counselors are not adequately trained and do not have the balanced experience required to give adequate career guidance.

   (iii) Guidance staff is burdened with non-counseling activities.

   (iv) The counselor's time that is available for seeing students is inefficiently used.

   (v) Teachers and counselors are often unaware of industry's needs.

(9) School grounds are usually closed at night and on weekends eliminating a major source of recreation for youth.

(10) Long formal training programs for youth are conducive to a lack of motivation since no benefits are seen.

(11) Little if any vocational education is available in schools.

(12) Many students are pushed out of school by irrelevant courses and requirements.

(13) The present school system does not make allowance for cultural backgrounds. This causes resentment and drop-outs.

2. Free Enterprise

There is a widespread belief that the value placed on the employment of youth by the private sector best serves society's interests. There are several factors, however, which cause the private sector's valuation of youth employment to diverge from society's interest.

The following are some of the specific problems with private employers:

(1) Job application criteria are often capricious and are not a measure of job-related skills.

(2) Employers are reluctant to hire workers under 18 due to lack of knowledge of insurance coverage and child labor laws.

(3) Small employers are unable to provide on-the-job training for entry level workers.

(4) Employers tend to consider all youth as being undependable.

(5) Additional workers are hired on the basis of who they know in the firm.

(6) People with jobs try to exclude applicants in order to protect their own incomes.

(7) Unions offer limited apprenticeships, resist youth training at the place of work, and often require part-time and summer employees to pay full union dues and initiation fees.

(8) Unions exclude workers via arbitrary rules; e.g., father's occupation, race, sex, non-job-related entrance examinations, age.

(9) Unions require long apprenticeships, even if vocational training was received previously, and favor

minimum wage legislation, which may have negative effects on marginal employees.

(10) A limited number of potential employers are in a position to hire for non-summer employment, e.g., Department of Parks and Recreation.

(11) Employers have little contact with the school system; thus, educators are often unaware of industry's needs.

(12) Many lower level positions open to youth appear to have no opportunities for advancement.

(13) It is unprofitable for an employer to hire and train youth, although it might be profitable to society as a whole.

(14) The social costs of youth unemployment are not fully recognized.

(15) Labor saving technological change is decreasing the demand for unskilled labor.

3. Existing Programs

The following are some of the problems with the existing programs:

(1) There is a lack of central monitoring, but no central accountability.

(2) Many services are duplicated by different agencies.

(3) Existing programs do not estimate market demand for skills.

(4) Uncertainty of funds leads to staff insecurity.

(5) Programs are rewarded according to their grantsmanship.

(6) Yearly funding leads to short-run programs aimed at immediate results without long-range planning.

(7) Existing programs do not always have information on the actual problems.

(8) Agencies tend to wait for people in need to find the program.

(9) Programs are poorly coordinated and have different entry requirements leading to confusion on the part of potential entrants.

(10) Often programs do not provide supportive services, e.g., transportation and health care.

(11) HRD administrators appear to be unconcerned with youth employment.

(12) No one agency is held responsible for dealing with youth employment.

(13) In some areas (e.g., Chinatown) no English training exists for people between 18 and 25 years of age.

(14) Many agencies operate and make policy decisions without benefit of data on employment, mobility or population.

(15) State mandated policy decisions often meet resistance from local employers and agencies trying to maintain their autonomy.

4. Others

The items listed here are problems that exist but do not fit under any specific heading.

(1) Young people may have a reputation for not wanting to work.

(2) Youth often has limited access to transportation.

(3) Youth often lack experience.

(4) There is widespread adult unemployment which limits opportunity for employment of youth.

(5) The alternatives to youth employment are often of a criminal nature: street gangs, dope dealing, pimping, or prostitution.

B. Proposals

The problems identified are a result of three basic imperfections in the present system:

(1) Private and government employers and unions appear to be socially irresponsible.

(2) The school system is unresponsive to students' and employers' needs. Although Section 7504 of the Education Code states that upon graduation students should have a legitimate saleable skill, students do not have these skills.

(3) Transportation for youths is often inadequate. Although a young person has skills and a job exists for him, he may not have any way to get to work, or the job opportunities are not available for him in depressed or rural areas.

The following proposed solutions deal with specific problems, each of which will have an impact on one or more of the above imperfections. For expanded analyses of these proposals, please see Part IV, Page VII-17; "Reports of Individual Task Force Members".

(1) Encourage the schools to implement career education beginning in kindergarten and continuing through the 14th grade.

(2) Establish employment service centers for youth which would provide the same basic content of career education, work exploration, work experience, and job placement.

(3) Encourage employers to accept trainees and provide entry level on-the-job-training. Incentive might be provided by partially funded on-the-job-training contracts leading to permanent employment, providing the employee can meet agreed upon standards of performance. An on-going monitoring of trainee's progress would be necessary as well as counseling services in some cases.

(4) Develop a transportation plan including all cooperating employers using public transportation where possible, and contracting for bus or taxi where public transportation is not available.

(5) Increase information regarding child and labor laws, Workmen's Compensation and Insurance Liability Exemption.

(6) Create employment in the public sector to provide social services where none exist but might be desirable.

(7) Provide a subsidy, tax benefit, or incentive to trade unions to expand their apprenticeship programs.

(8) Increase access to information among the professionals working in the field of employment by establishing a newsletter or similar vehicle to provide all interested parties with current information on what agencies are in existence, current laws, economic forecasting, etc.

(9) Establish a systematic data collection technique to provide policy makers with more facts and possible ramifications of decisions.

Finally, it is recommended by the members of this Task Force that a statewide agency be established to implement the above and other programs. This agency would be responsible for coordinating the efforts of all the agencies, groups and task forces dealing with youth employment. The agency should be flexible and attempt to eliminate some of the imperfections that now exist.

"'The time has come, 'the Walrus said', to speak of many things: of shoes, and ships, and sealing wax, of cabbages and kings.'"

Lewis Carroll

IV. REPORTS OF INDIVIDUAL TASK FORCE MEMBERS

A. Problems of Employment and Job Training Affecting Children and Youth in California

Jane Abbot

1. Blocks to Employment of Youth (not listed in order of importance)

(1) Lack of a saleable skill. It will cost the employer money to train him.

(2) Reputation for not wanting to work.

a. Youth's practice of working long enough to get the money needed for some short-term goal and quitting the job.

b. Youth's desire to experience a variety of jobs to find out what he likes, quitting when he tires of a job creates a spotty work record frowned on by a potential employer.

c. Youth's lack of knowledge of employer expectations such as appropriate on-the-job behavior and attendance. The youth tends to expect behavior acceptable at school and in his social environment will be acceptable on the job.

d. Youth's lack of self-confidence in making job applications may give an employer the impression he is not too interested. This would hold true especially of those youth without prior work experience and those who have experienced failure in school.

(3) Application for inappropriate jobs. Youth lack the knowledge of job requirements and ability to relate their own training and capabilities to them.

a. Youth's lack knowledge of what jobs exist that are quickly learned and easy to get. (Good for short-term or temporary jobs.)

b. Youth's lack of knowledge of what jobs require prior training or several months training on the job. (These jobs are harder to get and take longer because the employer will screen the applicants carefully since once hired, they will represent an investment of time and money. He expects the applicant to stay with him.)

(4) Lack of transportation. Youth often has to rely on cheap old cars which break down and give him a bad attendance record. Some youths are limited to jobs within walking distance and many times there are none.

(5) Employers' reluctance to hire any youth under 18 because of lack of knowledge of insurance requirements and Child Labor Laws.

(6) Limited apprenticeships available.

(7) Small employers' inability or reluctance to provide on-the-job training for entry level workers due to loss of productivity.

2. Recommended Measures to Counter Blocks to Employment

As we consider measures to counter the blocks to employment of youth it would appear we are dealing with youth in two settings, those in school and those out of school. My contention is that youth in both settings have the same need for services which will lead them into the labor market and acceptance of the work ethic toward a productive society. Therefore, I would recommend administration of these services by:

(1) Encouraging the schools to continue to implement career education through revision of curriculum K-14 and increased use of work exploration and work experience within the same industrial area.

3. Implementation

(1) Encourage employers to provide a program of work exploration for high school students and youth out of school. Assign one youth to one worker for one day, as observer, and if the job permits as a helper on each assignment. Youth would enter the place of work with the worker and leave when he does. Follow-up with group discussion of jobs to which assigned -- what worker behavior is like, what the boss expects, tasks performed.

(2) Assist employers in identifying tasks in their operation which could be performed successfully by a youth and provide him a meaningful job. These jobs should be such that any turnover in them would not produce a serious gap in production or interfere with the employer's operation. These jobs could fill youth's need for summer jobs, after-school jobs, and temporary jobs as a part of their work exploration.

(3) Develop materials to be used in employer visits which would provide positive information in pointing out areas in which youth under eighteen could be safely employed and be in line with Child Labor Laws. Also materials exploring fact and fiction regarding restrictions due to insurance coverage could be covered. Values society gains in providing an early opportunity for youth to participate in "the system" should be pointed out.

(4) Encourage employers to accept trainees and provide entry level on-the-job training. Partially funded on-the-job training contracts leading to permanent employment providing the employee can meet agreed upon standards of performance might provide the incentive. An on-going monitoring of trainee's progress would be necessary and counseling services where indicated.

(5) Provide group counseling services for all youth concurrent with work exploration, work experience and, when possible, with on-the-job training. This provides an opportunity for the youth to evaluate his experience in relation to himself and his peers and broadens his knowledge through information and experience gained by others. It is here that the blocks of inappropriate application and reputation for not wanting to work may be reduced as he gains in experience and understanding of the world of work.

(6) Assist youth in developing job finding skills to obtain their own jobs. Through workshops, youth may learn how to prepare work applications, how to prepare for an employer interview, where to look for jobs, and once on the job, how to keep it.

(7) Develop a transportation plan including all cooperating employers using public transportation where possible, contracting for bus or taxi where public transportation is not available, and youth has no other means of reaching employer's place of business.

B. Problems and Possible Solutions

Manuel Imperial

I. PROBLEMS
- A. Training
  - 1. Schools (Public)
  - 2. Agencies
  - 3. Private
- B. Employers
  - 1. Attitudes
  - 2. Application criteria
  - 3. Insurance and Workman's Compensation
  - 4. Labor laws
  - 5. Unions
  - 6. Lack of incentive
- C. Employees
  - 1. Skills -- Verbal -- Comprehension
  - 2. Transportation
  - 3. Incentive

II. POSSIBLE SOLUTIONS
- A. Training
  - 1. Central registry to oversee and allocate all possible programs according to local needs.
  - 2. Revaluation of high school programs
    - (a) Youth should be exposed to work discipline experience before graduation.
  - 3. More diversified programs.
  - 4. More comprehensive programs.
  - 5. More incentive to participate.
- B. Employers
  - 1. More information re: Child and Labor Laws. Workman's Compensation and Insurance Liability Exemption.
  - 2. Uniform applications for similar level type jobs, relevant to job duties.
  - 3. Exempt companies from labor contract responsibilities in regards to youth.
  - 4. Make it attractive to hire youth.
  - 5. Make strong effort to alter youth image in minds of employers.
  - 6. Develop mini-transportation system in particular area with other companies.
- C. Employees
  - 1. Stress importance of verbal skills in all schools and programs.
  - 2. Make it rewarding to want to work, i.e., pay, bus fare, etc.

D. Funding
  1. Staff -- Insecure job positions.
  2. Generating funds -- Source.
  3. Length of funding period.
  4. Scope of funding coverage.

E. Allocation of Programs
  1. Lack of central monitoring.
  2. Amount of agencies offering services.
  3. Duplication of services.
  4. Overabundance of certain programs.
  5. Lack of certain programs.
  6. Determination of market demands not up-to-date.
  7. No central accountability.

D. Funding
  1. Omit some programs that are marginal.
  2. Increase effective programs.
  3. Increase funding period from 1 to 3 years.

E. Programs
  1. Control monitoring of all programs.
  2. Eliminate duplication.
  3. Identify current market needs for all programs.
  4. Have central accountability.

C. Employment and Job Training

Betty Inman

I. CLASSIFICATION OF YOUTH
   A. Rural
      1. High school dropout.
         Needed to work in the fields, willing to work and making good money. Limited aspiration for developing capacities and possibly limited knowledge of opportunities and resources.
      2. High school graduate.
         Limited opportunity to work, for no jobs available other than field work. Limited knowledge of opportunities and resources for assistance from the community.

   B. Urban
      1. High school graduate but no skills for employer to hire.
      2. Graduate or student -- no knowledge of how to apply for work or how to take an interview.
         a. May be living in a depressed area with limited entry level jobs available.
         b. No personal contacts to find out about openings.

   C. Affluent
      1. Will not work for a minimum salary.
      2. Wants to "do his own thing," thus will not meet employers' expectations.

II. FACTORS IN EMPLOYMENT
   A. Geography
      1. Rural -- No jobs at entry level, one job type possible.
      2. Urban -- Jobs available but no contact or knowledge where to apply.
   B. Transportation
      1. Rural -- Non-available.
      2. Urban -- Have cars but unwilling to work for low wages.
   C. People
      1. Rural -- Non-available to help youth into job openings, myths about youths.
      2. Urban -- People "in" try to keep others "out," e.g., unions, guilds, licensure, etc.
   D. Experience
      1. Rural -- Employers do not want to be the "first."
      2. Urban -- Lack skills in applying, interviewing, meeting employers' expectations.

III. SOME TENTATIVE PROPOSALS FOR SOLUTIONS
   (1) Have youth employment centers in high school the year around.
   (2) Establish ecology and conservation programs similar to other youth programs to tackle social problems (visitor, fire

fighting, boys' republic, etc.) in which youth can sign up for a turn and be paid while learning and serving. (The army has provided such a course for some.)

(3) Public transportation be developed in areas not having such. In those areas which do, provide "passes" which employers can provide as a part of fringe benefits.

(4) Send out teams/individuals to promote jobs for youth among businessmen via the service clubs such as Kiwanis, Lions, 20-30, Optimist, etc. Encouraging each employer to hire same youth. Work with the employment officer in each high school.

(5) Develop a high school program which gets 10th grade youth into jobs by doing 4, then as each student becomes prepared to move on to another job, recruit and bring in another 10th grader to take his place and orient him into the position, thus sparing the employer from the "turn-over stress,"

(6) Get the facts on laws and insurance coverage factors to potential employers of youth by publication or inclusion of fact sheets with workman compensation insurance policies or with employers' IRS applications.

(7) Encourage early retirement or moving on to other positions, or limit the number of work weeks so that more jobs open up. (Maybe pass laws.)

(8) Limit the amount of overtime an employer can require to increase the size of staff.

(9) Within license requirements, re-define occupations so that more para-professionals can do some of the less technical work so that the professionals do not become overworked.

(10) Give tax incentives to employers who open up more (or create new) jobs for youth.

(11) Pay employers through a subvention to assist in employing unskilled youth to take "on-the-job training" and to pay the co-worker who will give the training to the youth -- this could be a type of job corp development or system.

(12) Provide a subsidy, tax benefit, or incentive of some significance to trade unions to expand their apprentice programs.

(13) Put work experience in every junior high school by adding to the Education Code that each student spend part of his school day in an employment setting and receive graduation credit.

(14) Require a course to accompany the employment on how to look for a job and "sell" one's ability to a future employer -- "jobology." (The current Career Centers now do a pretty good job of identifying the current jobs available and the preparation needed for entry, but no one is teaching "how to go about entering.")

D. Child Labor Laws

Bruce Ogden

"Legislation designed to protect young people from exploitation or from work which might impair their health and interfere with their education has also put restrictions on their employment. The Fair Labor Standards Act (FLSA) sets 16 years as the basic minimum working age for non-agricultural occupations in interstate commerce but bars workers under 18 years of age from employment in occupations stipulated as hazardous by the Secretary of Labor. Fourteen- and fifteen-year-olds may be employed on a more limited basis, with greater restrictions on occupations and hours. Their work is generally limited to non-school hours.[20]

Since state laws supplement federal legislation, employers are bound by at least two sets of regulations, and experience has shown that frequently employers are poorly informed as to what the child labor standards are. Research on the importance of child labor laws in decisions not to hire the young is lacking. There are indications, however, that employer confusion with respect to the content of the laws is a handicap to youth. Many employers do not realize, for example, that only five percent of all jobs are covered by the Non-agricultural Hazardous Occupations Orders issued under the FLSA and that, therefore, 16- and 17-year-olds may be employed in most occupations. If it is true that "employers are confused about, and have little grasp of, the child labor laws and that they refuse to hire young workers out of fear that they may get into with the law,"[21] then it is more important to improve employer education in this respect than to consider revisions of child labor laws."

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[20] An amendment to the Fair Labor Standards Act permits 14- and 15-year-olds to participate in special cooperative education programs which combine work and study for high school students during school hours.

(Manpower Report of the President, 1972, pages 86-87, emphasis added.)

The following chart illustrates the complexity and overlap of federal and state regulations leaving little doubt that employers could be confused regarding hiring minors.

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[21] Donald G. Woodworth, The Effects of Laws Governing Youth Employment and School Attendance on Youth Offenses and Delinquency (Menlo Park, California: Stanford Research Institute, 1965), page 77.

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CHILD LABOR LAWS*

The chart below presents pertinent points of the State and Federal laws governing the employment of minors in California.

The statements preceded by the sign (*) summarize selected provisions of the California laws as contained in the Labor Code, the Education Code, and Orders of the California Industrial Welfare Commission.

The statements preceded by the sign (#) summarize selected child labor provisions of the United States Fair Labor Standards Act which (1) prohibit the shipment in interstate commerce or in foreign commerce of goods produced in establishments in the United States in or about which oppressive child labor has been employed within 30 days prior to the removal of the goods; (2) prohibit the employment of oppressive child labor in interstate or foreign commerce or in the production of goods for such commerce.

	For all Minors under age 18	Minors—Ages 16 and 17	Minors—Ages 14 and 15	Minors—Ages 12 and 13
School attendance	*Required unless a high school graduate.	*If regularly employed and not a high school graduate, must attend continuation school at least 4 hours a week. *When not regularly employed and not a high school graduate, must attend continuation school at least 3 hours per day.	*MUST ATTEND FULL TIME SCHOOL For few exceptions for minors 14 and 15 years of age, see Education Code 12765-12795	
Work Permits	Required			
Permits to Employ			*Required on days schools are in session.	
Hours of Work	*Daily maximum, 8 hours including time spent in school. *Weekly maximum, 48 hours. #See column Ages 14 and 15.	*Exception: no limitation in agricultural, horticultural, viticultural, or domestic labor.	*May be employed after school and on non-school days. #When school is in session, daily maximum, 3 hours; weekly maximum, 18 hours. #When school is not in session, daily maximum, 8 hours; weekly maximum, 40 hours. #Outside of school hours only.	*May not be employed on days school is in session. See text for exceptions in theatrical employment. #Minors of these ages may not be employed in employment subject to the FLSA. See exceptions under Occupations below.
Spread of Hours	*Work must be performed between 5 a.m. and 10 p.m. *Exception: public messenger service must be performed between 6 a.m. and 9 p.m. #See column Ages 14 and 15.		#Work must be performed between 7 a.m. and 7 p.m.	
Occupations	Prohibited: *For girls, public messenger service and street occupations. *All minors, selling or serving alcoholic beverages (Section 46 of the Alcoholic Beverage Control Act, applying to all minors under 21 years of age). #May not be employed in: a. Explosives—manufacturing occupations. b. Motor-vehicle occupations. c. Mining occupations. d. Logging and sawmilling occupations. e. Power-driven woodworking machine and power-driven metal forming, punching and shearing machine occupations. f. Occupations involving exposure to radio-active substances, and to ionizing radiations. g. Power-driven hoisting apparatus occupations. h. Occupations in slaughtering, meat packing and rendering plants. i. Bakery machine operations. j. Paper products machine operations. k. Brick, tile and kindred products manufactured. l. Wrecking, demolition, ship-breaking operations. m. Roofing work, including application of weatherproofing materials and substances. n. Excavation operations. See Child Labor Bulletin 101 for details.		May not be employed: *In hazardous occupations. *In public messenger service. *In construction work. *In delivering goods from motor vehicles. *In operating auto or truck. *In bowling alley, pool or billiard room. *In vicinity of moving machinery. *For more detailed list of hazardous occupations prohibited by State law, see Digest. #May all be employed only in a limited number of occupations not requiring performance of any duties in work places where goods are manufactured, mined, or otherwise processed, or occupations declared hazardous by the Secretary of Labor. See Child Labor Bulletin No. 101. See also occupations prohibited in column under Age 18.	#Minors 12 and 13 years of age may not be employed in employment covered by the child labor provisions of the FLSA except (1) in agriculture; (2) as an actor or performer in motion picture, theatrical, radio, or television productions; (3) in the delivery of newspapers to the consumer. #Minors under 16 years of age exclusively employed by their parents, or a person standing in place of a parent, in occupations other than manufacturing or mining or occupations declared hazardous by the Secretary of Labor are also exempt.
Wages	*May not be paid less than minimum rates established in Orders of Claifornia Industrial Welfare Commission.	#May not be paid less than minimum wage rates established by Fair Labor Standards Act. #Must be paid overtime for hours in excess of 40 per week.		
Agriculture	*See text for exceptions where minor is working for parent. #Does not apply to employment by a farmer of his own children on his own farm. See Child Labor Bulletin 102 for details.	Exception: No limitation on hours of work.	*May be employed after school and non-school days only. #No employment permitted during school hours. *Hours of work: Daily maximum, 8 hours, including time spent in school; weekly maximum, 48 hours.	*May work on non-school days only.

Note: Where any employer is subject to both State and Federal law, the higher standard prevails.

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* "Digest of the California Child Labor Laws, 1965" issued by the State Department of Industrial Relations, Division of Labor Law Enforcement, 455 Golden Gate Avenue, San Francisco 94102.

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SUMMARY OF CALIFORNIA CHILD LABOR LAWS

The primary statutes regarding the employment of minors in California are found in Division 2, Part 4 of the Labor Code and Division 9, Chapter 7.5 of the Education Code.

Labor Code: The Labor Code (Section 1173) makes it the duty of the Industrial Welfare Commission to "ascertain the wages paid to all employees in this state, and to ascertain the hours and conditions of labor and employment in the various occupations, trades, and industries in which women and minors are employed in this state, and to investigate the comfort, health, safety, and welfare of such women and minors."

The Commission has the authority to determine if wages paid employees are adequate "to supply the cost of proper living . . ." (Section 1178). After public hearing the Commission may . . . "fix: (a) a minimum wage to be paid to employees engaged in any occupation, trade, or industry in this state, which shall not be less than a wage adequate to supply the necessary costs of proper living to, and maintain the health and welfare of such employees" (Section 1182). (California employers can pay workers under 18 a minimum wage of $1.35 an hour, with some exceptions, but the firm can hire only ten percent of its work force in the "minors" category.) Section 1182 also grants the Commission power to fix the maximum hours of work and the standard of working conditions.

Section 1290 prohibits the employment of any minor under 16 in any manufacturing establishment, except as permitted under provisions of Division 9 of the Education Code.

Sections 1292, 1293, and 1294 list tasks and places of employment prohibited to persons under 16. Section 1295 exempts vocational, and manual training schools, apprenticeship training and work experience education from Sections 1292, 1293 and 1294.

Section 1296 permits the Division of Labor Law Enforcement within the Department of Industrial Relations to determine whether particular trades, processes of manufacture, or occupations are sufficiently dangerous to the "lives or limbs or injurious to the health or morals of minors under the age of sixteen years of age to justify their exclusion therefrom."

Sections 1297 and 1298 are included in their entirety as examples of statutes which may be unnecessary in 1973. Section 1298 is subject to amendment by AB 2620 (Leroy Greene) introduced August 15, 1973.

> Section 1297. No girl under the age of 18 years and no boy under the age of 16 years shall be employed or permitted to work as a messenger for any telegraph, telephone, or messenger company, or for the United States Government or any of its departments while operating a telegraph, telephone, or messenger service, in the distribution, transmission, or delivery of goods or messages in cities of more than 15,000 inhabitants; nor shall any boy under the age of 18 years be employed, permitted, or suffered to engage in such work before 6 o'clock in the morning or after 9 o'clock in the evening.
>
> Section 1298. No boy under 10 years of age and no girl under 18 years of age, shall be employed or permitted to work at any time in or in connection with the street occupation of peddling, bootblacking, the sale or distribution of newspapers, magazines, periodicals, or circulars or in any other occupation pursued in any street or public place. Nothing in this section shall apply to cities whose population is less than 23,000 according to the preceding federal census.

Sections 1300 through 1311 set out reporting requirements for employers employing minors and set out penalties for violation of the provisions, e.g., a misdemeanor punishable by a fine of $50 to $250 or imprisonment in county jail for not more than six months or both.

Section 1390 limits the hours a minor may work to a maximum of eight hours in one day of 24 hours and 48 hours in one week. It further limits the time a minor may work to that period between 5 A.M. and 10 P.M. or 12:30 A.M. if the day worked is prior to a non-school day.

> Section 1392. Every person who has a minor under his control, as a ward, or an apprentice, and who, except in viticultural or horticultural pursuits or in domestic or household occupations, requires such minor to labor more than eight hours in any one day, is guilty of a misdemeanor.
>
> Section 1393. No minor shall vend and sell goods, engage in, or conduct any business between 10 o'clock in the evening and five o'clock in the morning.
>
> Any person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than twenty dollars ($20), or by imprisonment for not more than 10 days, or both. (Amended by Statutes 1972, Chapter 579.)
>
> Section 1394. Nothing in this article or Article 2 of Chapter 2 of this part shall prohibit or prevent:
>
> (a) The employment of minors 16 years of age or over in agricultural, horticultural, viticultural, or domestic labor for more than eight hours in one day or more than 48 hours in one week.
>
> (b) The employment of any minor at agricultural, viticultural, or domestic labor during the time the public schools are not in session, or during other than school hours, when the work performed is for or under the control of his parent or guardian and is performed upon or in connection with premises owned, operated or controlled by the parent or guardian; but nothing herein shall permit children under school age to work at such occupations, while the public schools are in session.
>
> (c) The employment of any minor by engineers engaged in survey work as part of a survey crew in the field. (Amended by Statutes 1957, Chapter 1903.)

Education Code: The Education Code, Sections 12765 through 12795 set out the requirements for compulsory school attendance of persons under 18 years of age and the conditions for employing minors. The basic mechanism for the government to control the employment of youth is the work permit. The superintendent of the school district where a minor resides is empowered to issue the permits.

E. Proposal for Establishment of Permanent Committees

W.E. Quirk, Jr.

Unemployment has been and is today one of the major problems facing California. There are federal, state, local and private organizations working on this problem. There is a tremendous expenditure of time and money. Each organization working independently of the other resulting in wasteful duplication.

I propose the establishment of permanent committees to evaluate and act upon the problems of employment and the additional problems that unemployment causes.

That these committees fall under the jurisdiction of the County Boards of Supervisors.

That the responsibilities of the county boards be:

(1) To appoint the committee members.

(2) To ensure that such a committee be a viable force within the community.

(3) That the committee represent a crossection of the community (business: large and small, labor, education, probation, HRD, mental health, public sector, etc.).

(4) To ensure that the public is aware of this committee and that the public have access to it.

(5) That the county boards would have the responsibility of implementing the recommendations of the committees.

The committees would be charged with these responsibilities:

(1) To determine the numbers of unemployed.

(2) To determine why, and where the unemployed are.

(3) To determine who they are: youth, adult, handicapped, minority, mentally retarded, ex-cons, probationers, etc.

(4) To establish a program for employment within each county.

(5) To generate job opportunities for the unemployed.

(6) To consider the kinds of services that would promote and enhance the opportunity to work: child care facilities, transportation, training opportunities, etc.

(7) To ensure that the public have the chance to participate by holding public meetings.

F. Motivation in Relation to Psychological Issues Involving Youth Employment

Dr. Stewart Teal

1. General Observations

In serving as the employer of a group of eight second-year high school students who are serving as counselors for eight 10- to 11-year-old boys with many different problems but primarily problems involving difficulty with behavior, several things have become apparent:

(1) The boys, ranging in age from 15 to 16, seem to behave in a much less driven, anxious, way when relating on a one-to-one basis with me as opposed to relating in a group. For example, in the group situation there will be a constant struggle to achieve a pecking order which gets in the way of performing the job of the group and that is to understand their relationship with their counselees. These particular students were selected on the basis of poor attendance at school, so obviously they are not the most reliable individuals in the school system. However, most seem to be much more reliable on the one-to-one basis, that is as far as keeping appointments and relating in a mature way.

(2) Another significant factor seems to be that the young men doing the best job in the group were ones that were able to see the future kind of productivity coming from the job performance. For example, one of the counselors expressed the desire to be a psychiatrist, has been very inquisitive right along about monetary considerations in that kind of a job field, has wondered about training time and course pre-requisites and things like that. The youth in the program who have seen it just as a way to earn a little extra money have been much less reliable and done not nearly as good a job.

(3) A third factor which seems important particularly early on in the child experience was the feeling on the part of the young men that the employer would not meet his commitments. For example, there was much concern that the pay rate would not be as stated, that certain people would be paid more than others for doing the same work, and that certain fringe benefits would not be forthcoming

even though they were promised. It seemed that we were able to obtain trust and better participation only when we were extremely explicit and concrete about the financial remuneration and followed through with absolutely no deviation from the announced commitment.

(4) Many of the counselors have asked whether there might be a job available for them when they finish the counseling program. Again, these young men are future oriented, as they should be, and are very interested in the concept of career ladders and certainly work better when they see their work paying off in promotion, either prestige-wise or of a monetary nature; also, with a long-term outlook should promotion continue. In other words, a promotional ladder is very important to them and is a great incentive to continue with the job and perform at a high standard.

Using myself as a model and speaking from the employers point of view, I found that I had many warm feelings and friendly feelings for the counselors doing a reasonably good job or attempting to do one, particularly if they showed up for appointments and appeared interested in their activities. What made me most angry was if commitments were not met, particularly ones affecting other people. Simple things, such as letting me know when they would not be able to attend a meeting, made me feel much more well-disposed toward the counselor and, I think, more likely to go out of my way to help that counselor. The things that would make me feel most angry had to do with being lied to and being conned. The things that I found most difficult to deal with as an employer were passive acts on the part of my employees which were not amenable to discussion or working out. For example, one of the counselors not appearing for a meeting and then declining to discuss why he was not able to make it.

2. Recommendations for youth employment

(1) That career ladders be set up or monetary ladders be set up depending on time performing duties and expertise gained. These should be clearly spelled out and opportunities for advancement should be stretched many, many years into the future.

(2) That role models be available and the future classifications to provide information to beginning workers and also to serve as reliable guides and tangible evidence of the possibility of attaining far-distant goals. Important discussion with the youth on the job should be done on an individual basis whenever possible with an opportunity to have questions asked and answered and for feedback to take place. A work area of people of different ages, I believe, would be preferable to one in which only people in their teens were employed. The rules and conditions of the job particularly the monetary remuneration should be spelled out very clearly in writing and adhered to by the letter by the employer. Grievances by the employee or the employer are best handled on a one-to-one basis privately with expectations clearly spelled out and consequences also clearly spelled out. If an employee is doing unacceptable work, this should be explained and methods for improving work ability should be presented in a step-wise fashion. If this is done and the young person is still unable to perform the job adequately, then another job should be considered or exploration of the factors precluding his performing the job should be undertaken probably by someone other than the employer.

"Every short statement about
economics is misleading, with
the possible exception of
this one.

Anonymous

V. ECONOMIC ANALYSIS

A. Economic Impact

In California there were 130,000 "officially" unemployed persons from the ages of 14 through 19 years. Of the 130,000, 10,000 were from the 14-15 years and approximately 120,000 were in the 16-19 year old group.

A rough approximation of the loss of income due to this unemployment may be obtained as follows:

(1) Number of unemployed persons times 40 hours per week times 50 weeks per year times $1.65 per hour times state multiplier

or

130,000 times 40 times 50 times $1.65 times 2 equals $858.00[6]

This is a rough approximation and should be adjusted in the following ways:

(i) The 50 weeks a year estimate for employment in this age group is probably unrealistic. A more reasonable estimate has been calculated by Becker (*) Gary Becker Human Capitol. Becker estimated the average number of weeks worked for employed 16-19 year olds to 34 weeks per year.

(ii) It is unlikely that the census figures for total unemployed is a true estimate of the number of persons who would work if they could get a job. Many persons out of work do not officially exist. For example, if a young person has not looked for employment in the last four weeks then he or she is not considered "in the labor force" and, consequently, is not officially unemployed. There may be a great number of discouraged (i.e., people who have just quit looking for work) workers who have withdrawn from the labor market. In addition there are many persons in California who are not counted as being in the labor force who live the "fast" life: bookies, pimps, prostitutes, pushers, burglars, fences, winos, street people, petty thieves, and other assorted types.

(iii) The third adjustment in the gross estimate is necessitated by the fact that not all the jobs taken by this segment of the population are new jobs. If each placement of a person 16-19 led to the displacement of an older worker then no gain would be realized by the hiring of youth. On the other hand, if the hiring of youth had no effect on the hiring of other members of the labor force, then all of the income generated would add to California's Gross State Product. The true effect given the present market structure may be somewhat between these two extremes. By varying the size of the multiplier between zero and two (the generally accepted maximum if no replacement of older workers occurs), we can establish the range of possible State Gross Product increase that would have resulted if these youth were hired.

It is conceivable that if government (or private) agencies were to create jobs for youth that did not replace existing positions then the full multiplier effect would be felt.

Thus, a more sophisticated estimate yields the following estimate of GSP loss due to idle youth labor:

GSP equals 130,000 times 40 times 34 times \$1.65 times m

or

$$DGSP = 130{,}000 \times 40 \times 34 \times 1.65 \times m \qquad (0<m\leq 2)$$

thus

$$\left[0<DGSP\leq \$583.44^{6}\right]$$

This estimate is an indication of the possible magnitude of the direct loss to California's Gross State Product.

This range does not include the increase in participation rates that might occur if the employment prospects of youth were enhanced. Making an adjustment for this effect would increase the upper limit (but not the lower limit) so that the possible direct loss to California's economy in 1970 of unemployed labor between 14-19 years of age could very well be over \$600 million.

The economic impact of employing a youth has a long range effect of increasing his employability throughout his work life. Thus, although employing youth has an immediate effect (as demonstrated above) on California's economy it will have a long-run, positive impact on the income of future generations of California and, thus, on the future level of economic activity in California.

Young people have difficulty in obtaining employment because it is not profitable to hire young people. It is unprofitable because in order to increase profits in the private sector it is necessary that when a person is hired the firm's output must go up by an amount sufficient to pay for the cost of hiring the additional worker.

This relationship may be expressed via the following formula:

DP = DTR - DTC
where
DP is the change in profit
DTR is the change in total revenue to the firm
DTC is the change in total cost to the firm

The above formula describes the basic underlying principle that decides the allocation of society's resources.

On further investigation, it becomes apparent the costs and benefits referred to are private (i.e., those incurred or captured by the firm). Yet the resources being allocated belong to society. Thus, to maximize society's welfare (or profit) one would conclude that the costs and benefits should reflect society's values more closely.

Following is a list of the general costs and benefits resulting from the change in employment status noting who realizes the costs and benefits:

costs	benefits
1. equipment wear and tear	1. increased output
2. supervisor time	2. lower welfare roles
3. application processing	3. lower crime rate
4. wages	4. increased tax revenue
5. training costs	5. increased stock of human capital

One observation that is obvious from the above is the fact that all the costs are borne by the employer while only one benefit (increased output) accrues directly to the employer. Thus, one might conclude that the reason employers are reluctant to hire unskilled youth is not that they are irrational but are forced, out of necessity for economic survival, to steer clear of hiring them.

Thus, to achieve more efficient allocation of resources (in this case, youth labor) what is necessitated is a mechanism whereby social and private incentives are brought closer to equality.

Therefore, the following recommendations are made to achieve this goal:

- Tax employers who fail to hire youth and subsidize those who do. The amount of these taxes and subsidies should be determined according to the estimated benefits and costs to society resulting from the hiring or failure to hire youth.
- Provide employment in the public or quasi-public sector that will provide a useful service directly to the people of the State of California.
- Some major sources of employment and training might be found in government jobs or in regulated industries.

B. Suggested Areas of Further Research

A recurring theme of my research to date is that no one really knows what is going on. A striking example is the publication of "The High Price a Dropout Pays," Sacramento Union, 8/16/73 contrasted with "Dropouts Earn More, 4-Year Study Indicates," Los Angeles Times, 8/12/73. The literature to which I have been exposed is rampant with such conflicting "facts."

My conclusion from this phenomenon is that what is called for is a viable and systematic data collection and interpretation framework.

The "Proposal For Socio-Economic Analysis of Employment & Job Training" (Page VII-42) briefly describes how this might be achieved. The example used here is employment and job training yet the framework is flexible enough to be used in many of the other problem areas. The data collected can be used, for example, to estimate future welfare rolls, prison population, etc. Once the variables are identified we will be able to build models and predict some of the ramifications to be expected from implementation of various programs.

Once the results are predictable the various alternatives and/or combinations can be evaluated in a meaningful way.

PROPOSAL FOR SOCIO-ECONOMIC ANALYSIS OF EMPLOYMENT & JOB TRAINING

I. DATA COLLECTION

- A. Demographic - predict future population characteristics
- B. Examine existing workers to determine
  - 1. How job was obtained
  - 2. What have you done to find one, etc.
- C. Longitudinal study of existing population to determine where they were, are, and will be

II. SUMMARY & LOGICAL CONCLUSIONS

- A. There is a problem with obvious solutions
- B. There is a problem without obvious solutions
- C. No problems

III. PROPOSE ALTERNATIVES TO EXISTING INSTITUTIONS

- A. Pilot projects
- B. Agencies...

IV. PROJECTIONS

- A. What will happen if we do nothing
- B. Examine possible ramifications of proposed alternatives

V. COST - BENEFIT ANALYSIS OF EACH ALTERNATIVE AND COMBINATIONS

VI. APPLICABILITY OF RESULTS TO OTHER TASK FORCE PROBLEM AREAS

Not only is it apparent that the people at the top who are making the policies are unaware of what is really going on in the "real world" but many agencies do not know what other agencies are doing. This results in duplication or omission of valuable resource information.

Some examples of agencies which might benefit from increased information include: Department of Education, Human Resources Development, California Advisory Council on Vocational Education, and Sacramento County Unified School District.

I have talked to people from these agencies and there appears to be some lack of coordination of their efforts. These (and similar agencies represent a vast amount of resources, which, if coordinated, might prove very useful to solving some of the employment problems encountered by children and youth in California.

Thus another recommendation is that this office or another office (e.g., Committee on General Research) publish a newsletter to increase information flows between these various agencies. A tentative date might be November. The letter would be sent to:

- Legislators and Staff
- Other departments - HRD, Education
- School districts

Some information which the first newsletter might contain includes:

- Listing and brief description of committees, councils task forces, etc.
- Manpower revenue sharing issues
- Court cases

- Current studies
- Current and recent legislation
- Brief description of the state of economic forecasting

After publication of the first newsletter we would find out who is interested to justify additional publications.

VI. REPORTS ON SPECIFIC AREAS

East Los Angeles

> "Even after you go through a training program there aren't any jobs."
>
> "I never saw a counselor until I was a senior in high school."

San Francisco Chinatown

> "The school system is ______."
>
> "Inside the community you're somebody. Out there you're just a Chinaman."

Salinas Valley

> "Those people like their work. If you train them for a better job they won't be happy."
>
> "For every substandard person, there's a substandard job. That may sound harsh, but it's true."

A. East Los Angeles

On August 10, 1973 we toured East Los Angeles (ELA). ELA is a 6.64 square mile area, 4½ miles east of the Los Angeles Civic Center. The population of ELA is 105,000 with 83% Spanish-surnamed, according to the 1970 census. No precise data on the level of unemployment exists for ELA. Some estimates of youth unemployment run as high as a suspicious 80%.

The area is characterized by poor quality housing, youth gangs, poor transportation, and frequent use of hard drugs. There are many industrial complexes within commuting distance of ELA but they tend to shy away from hiring Mexican-Americans from ELA. The reasons given are (1) lack of transportation, (2) lack of skills, (3) poor English speaking ability, and (4) "those people" are lazy.

One observation very worthy of note is that if a gang member gets a job it is respectable for him (the ladies are not gang members, but are often affiliated with gangs through brothers or location) to drop out of many of the gang activities. Thus if employment of the area increased we might expect a drop in the crime rate.

1. Problems. Some specific problems mentioned include the following:

   (1) Inadequate transportation facilities

   (2) Poor English speaking abilities

   (3) Inadequate school counseling

   (4) Vocational training often is for jobs that do not exist and/or duplication of certain types of training (e.g. welding) leads to over-supply of a particular skill.

   (5) Federal and state funds earmarked for the "disadvantaged" often go to other areas (e.g. Black communities).

   (6) There are no places provided for recreation hence unemployed youth roam the streets.

   (7) Gang rivalry leads to fighting often resulting in death.

2. Proposed Solutions.

   (1) Increase availability of transportation via municipal buses or similar modes of transportation.

   (2) Provide bi-lingual instructors and intensify English training.

   (3) Improve school counseling by providing both more counselors and counselors who have work experience outside the education system.

   (4) Coordinate vocational training programs both with each other (to avoid duplication) and with the expected requirements of industry in the area (to avoid omission).

(5) Improve distribution of funds to insure that they are distributed to those in need without regard to their heritage or place of residence.

(6) Presently schools in ELA close their grounds and buildings after regular school hours. The reasons given are inadequate staff. Thus I recommend that these resources be made available after hours and be staffed by residents (many of whom indicated they would be happy to staff school playgrounds after hours). Presently the land and capital controlled by the schools is underutilized by the state.

(7) By doing 1-6 there would be reduced pressure to join gangs hence problem number 7 would be eliminated.

B. San Francisco Chinatown

Almost 10% of San Francisco's population, or approximately 75,000 of its residents, are of Chinese ancestry. About 50,000 of these live in the North Beach-Chinatown district. Between 1960-1969 there has been a net increase of 43,000 in the number of Chinese living in San Francisco. Of these approximately 23,000 have settled in the North Beach-Chinatown (NBC) district. Births have accounted for only a small part of this increase and most of it has been attributed to immigration.

Of the 50,000 Chinese in NBC approximately 25,000 are under 20 years of age. We chose to investigate the area to determine whether unique problems exist in Chinatown.

The remainder of this section is based on information obtained from interviews with Chinatown (CT) youth leaders, representatives from CT Economic Opportunity Council, and workers in the San Francisco Community Colleges.

1. Problems Faced by Youth in Chinatown:

(1) All of the persons with whom we spoke mentioned that the

education system is not geared to providing Chinese youth with the basic skills necessary for obtaining employment. Many non-English speaking Chinese youth encounter extreme difficulty with the school system simply because they lack basic English training. To help alleviate this problem the community colleges have set up skill centers providing English as a second language (ESL) training programs. These centers appear to be successful but they do not help young people due to the entrance requirements ESL courses have to meet. These requirements are dictated by HRD and state that in order to qualify one must either be a head of household or single and self-supporting. These criteria tend to eliminate youth and women. The result is that the group helped are recent immigrants between 30-40 years old.

Other problems encountered include:

(2) Existing English training programs are on a 10-11 month basis due to yearly funding, but it may be necessary to train for two years or more to qualify for a "good" job.

(3) No language training exists for those between 18 and 25 years of age.

(4) English training when it is available, is not necessarily job related.

(5) Civil service examinations are very difficult for people with limited English speaking abilities and often are not job-related.

(6) HRD administrators are not concerned enough with youth.

(7) There is very little communication between the school system and HRD (or similar agencies).

(8) No agency is really responsible for dealing with youth since HRD took over the Youth Opportunity Centers.

(9) No jobs exist even for those who have received vocational education.

(10) Federal Manpower assistance relies on people to seek aid. Chinese culture dictates thaty they not seek aid hence they do not get very much from Federal sources.

(11) For youth in Chinatown there are very few recreational facilities. Immigrants are usually more familiar with English sports (soccer, rugby, etc.) than with American types of sports (basketball, baseball, etc.) yet most recreational programs are American. There is also a lack of space for many recreational programs in San Francisco.

(12) There is a lack of hard data on employment, mobility, and population in CT.

(13) Labor unions do not utilize Chinese. When organized labor works on a job in CT they usually bring in labor from outside the area.

(14) The government is inconsistent in dealing with the CT area. Some years they work hard establishing programs then other years they discontinue many programs.

(15) Many youth live with their parents but receive very little if any financial support from them. They often turn to robbing to get spending money.

2. Possible Solutions

(1) For problems numbered 1, 2, 3, and 4:

Provide English skill centers for young people. These centers should have the following characteristics:

(a) Provided through the present education system for all who need training.

(b) Provide job-related English training.

(c) Allow continuing education in disciplines not requiring English at a level commensurate with the students' skills. For example a student might be taking first grade reading, sixth grade science and eighth grade math simultaneously.

(d) Provide bi-lingual instruction through high school for recent immigrants.

(e) Allow long range funding.

(2) For problem #5:

Require Civil Service exams to be job-related.

(3) For problems #6, 7, 8, and 9:

Establish (or re-establish) Youth Opportunity Centers. These YOC should be characterized by the following criteria:

(a) Deal specifically with youth.

(b) Coordinate services of the education system, job training centers, organized labor, and the business sector.

(4) For problem #10:

Establish outreach programs to determine those most in need. Thus, funds would be allocated on the basis of need without regard to the recipient's ability to "hustle the system."

(5) For problem #11:

Establish recreation programs for Chinatown youth to provide training in American sports and access to facilities for English type sports.

(6) For problem #12:

Establish a systematic data collection framework with built-in research feedbacks.

(7) For problem #13:

Require labor union contracts to utilize resident population whenever possible and when not possible require apprenticeship programs be provided for a number of residents according to the following ratio: for every 25 workers, one apprenticeship position for a resident be provided.

(8) For problems #14 and #15:

No specific action is recommended. If the above proposals are implemented, the basic underlying causes of these two problems will be eliminated.

C. Salinas Valley

On Monday, August 27, 1973 we visited the Salinas Valley (SV) to get some idea of the rural youth employment picture. The primary industry in SV is agriculture. The principal source of labor is presently changing from migrant workers and students to permanent residents (many are settled migrants) and students.

The demand for farm labor is declining due to two factors: (1) labor-saving technology is being introduced in and (2) hand labor crops are being replaced by mechanically picket grapes.

Some light manufacturing is being introduced in and around Salinas but the increased demand for labor in manufacturing is not expected to absorb the labor released from the farms due to three reasons: (1) transportation from the farms and rural towns to Salinas is lacking, (2) the manufacturing demand is not expected to increase fast enough, (3) many released farm workers lack the basic skills required for entry to the light manufacturing industry.

Some of the specific problems facing youth are:

(1) On-the-job training is difficult to obtain under present labor laws.

(2) A large portion of the population is of Mexican ancestry and have a language barrier. This makes training difficult.

(3) Local unions resist the training of youth at the work place.

(4) Many young people reside at great distances from jobs. This lowers their aspirations since they tend to believe that even if they were trained they would have difficulty in obtaining work.

(5) Students working in the summer have to pay union dues and initiation fees.

(6) There is a lack of coordination between existing vocational training programs which leads to duplication and/or omission.

(7) Lack of knowledge of youth and child labor laws on the part of employers leads to hesitation to hire youth at all.

(8) Inadequate vocational counseling is available in the school system.

Suggested solutions to help alleviate these problems:

(1) Change state laws to facilitate youth employment.

(2) Offer bi-lingual instruction and basic English training.

(3) Work with unions to induce them to accept more youth.

(4) (i) Increase available transportation.

(ii) Increase knowledge of jobs and how to prepare for them.

(5) No obvious solution without regulating internal affairs of unions.

(6) Coordinate training programs with each other and with expected industrial needs. Also, try to stimulate types of industry suitable to the residents of the valley.

(7) Increase information about the legal framework both to employers and employees.

(8) Increase counselor knowledge via "counselor swap" between high schools and HRD (or other agencies outside academia).

VII

BRIEF DISCUSSION OF:

Vocational Education in California

Minimum Wage Legislation

Employment Statistics

On Vocational Education in California

This section describes the effectiveness of career guidance services in California and some recommendations. This section is based on a personal interview with Mr. Tom Bogetich, Executive Director, California Advisory Council on Vocational Education. Mr. Bogetich summarized the results of a statewide survey of 45,000 students (kindergarten through community college) and a Sacramento area survey of 649 high school students.

The following observations were pointed out:

--Most students are receiving poor, if any, career guidance services.

--Students are still victims of the myth that a college degree is required to get a good job.

--Most guidance counselors are not adequately trained and do not have the balanced experience required to give adequate career guidance.

--Guidance staff is burdened with non-counseling activities.

--State Department of Education and Chancellor's Office leadership in career guidance is understaffed and under-effective.

--The student contact time that is available to the counselors is too often inefficiently used.

To help alleviate these problems, the following recommendations were mentioned:

--More comprehensive and efficient means of delivering career guidance services be adopted by counselors and integrated into counselor preparation programs.

--Quality career guidance services should be accessible to all students from kindergarten throughout life.

--State educational agencies' career guidance leadership should be identified and articulated and services to local districts and students should be strengthened.

--Counselors should understand and utilize current occupational information and community resources in the delivery of career guidance services.

--More students should have access to exploratory work experience as a component of their total career guidance experience.

--Actual work experience should be required and credit toward graduation and licensure be granted to all who wish to become counselors. Also credentials should be granted on postponement of requirements basis.

--In-service education should be effected by appropriate agencies to inform teachers, administrators, parents and other community representatives of their role in providing career guidance services.

The following discussions of miscellaneous phenomena are on minimum wage legislation and employment statistics:

Minimum Wage Legislation

--Blacks suffer more than whites, and teenagers more than adults from sluggish job markets.

--Minimum wage legislation makes it harder for blacks and teenagers to find employment in good times and harder to hold jobs when times are not good.

--White adult males benefit most from the effects of minimum wage legislation on lost job opportunities and increased job instability among blacks and teenagers.

--There are more poor people whose poverty drives from unemployment than from holding jobs that pay inadequate wages.

--While it is true that some workers are paid so poorly they must also draw welfare, it is equally true that raising the minimum wage will cause some of these people to become unemployed on welfare.

Employment Statistics

Definitions

Employed: (a) "at work" or (b) "with a job, but not at work."

Unemployed: Persons are classified as unemployed if they were civilians 16 years old and over and (a) were neither "at work" nor "with a job, but not at work" during the reference week, (b) were looking for work during the past 4 weeks, and (c) were available to accept a job.

So what?

(1) The statistics may not be a measure of the "true unemployment" rate since many persons may get discouraged and not have looked for a job in the past 4 weeks.

Example: See "Leroy," S.F. Chronicle, 7/22/73.

(2) Need to redefine unemployment and need to weigh numbers to indicate underemployment.

PART VII

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FAMILY STABILITY TASK FORCE

ASSEMBLY SYMPOSIUM ON SERVICES TO CHILDREN AND YOUTH

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FAMILY STABILITY--TABLE OF CONTENTS

Page

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS VIII-3
II. INTRODUCTION VIII-4
III. OVERVIEW VIII-5
    A. Initial Formulations of the Problem VIII-5
    B. The Problems Reformulated VIII-7
    C. Defects in the Reformulation VIII-10
IV. CONCLUSIONS: THE CONTINUING SEARCH FOR SOLUTIONS TO FAMILY INSTABILITY VIII-12
    A. Parent Education VIII-12
    B. Children's Bureau VIII-12
    C. AFDC Grants VIII-13
    D. Children's Allotment VIII-14
    E. Expansion of Services to Families VIII-14
V. APPENDIX
    A. Comparative Income of Women and Men, 1970 VIII-16

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS

The institution of the nuclear family is under siege. Ten to fifteen percent of all children under the age of 18 live with only one parent. (Nine out of ten times that parent is the mother.) Thousands more live with shifting parent surrogates. An alarmingly high percentage of families dependent on the mother alone are on welfare. Some estimates place the figure at 60%.

Public policy, especially public welfare policy, has not focused intelligently on the single-parent family and its needs. Neither has public policy focused on the need for parent education -- and especially the education of potential parents -- to assist them in providing effective, stable parenting in a complex society. Instead, all too often public policy has emphasized shoring up the institutions and mores of a bygone era, attempting to impose the values and lifestyles of an agrarian civilization on the social and economic victims of an urban industrial civilization.

The Task Force believes that a substantial reorientation of research and analysis is necessary before public policy can be refocused on successfully assisting the development and maintenance of stable, healthy, growing-up social environments for millions of children who otherwise may be doomed to deprived childhoods as a result of misguided governmental policies. Specific examples of issues needing consideration are included in the Conclusion section of this report.

II. INTRODUCTION

The Task Force on Family Stability was established because many Symposium participants felt that the traditional family is in an accelerating process of disintegration. This disintegration appears to be taking place in all socio-economic and ethnic groups.* One of the consequences of the phenomenon is a panic reaction which impels concerned people to look for means of shoring up the traditional structure and to try to place blame on the victims when these efforts fail. In the process, the needs of the ultimate victims, the children, are overlooked.

Our society seems to be trapped in this crisis-oriented approach to social problems. Legislative action is too often reactive to emergencies and too narrowly focused to deal with any thing but symptoms. As a result, we have a patchwork system of services to families, services which frequently overlap and which are rarely adequate to solve real problems. In many areas of need, services are perfunctory or absent.

Similar statements have been made by countless task forces in the past. The lack of continuity of efforts at redefining problems and seeking appropriate solutions has hampered success. We hope that the Symposium will address and solve this problem of continuity of concern and effort.

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*See discussion under Part III, Section C, Page VIII-8.

III. OVERVIEW

A. Initial Formulations of the Problem

The initial general concerns expressed by participants in the June 23 meeting of the Symposium which led to creation of the Task Force on Family Stability may be summarized as follows.

The majority of American children grow up within a basic social structure which we call the family. The "normal" or "nuclear" family consists of the biological father and biological mother and their minor children. A number of variations of the basic unit are acceptable, such as the presence of grandparents, uncles, aunts, etc., or the substitution of a stepparent for a biological parent. The continued, unreplaced absence of one or more biological parents from the home in which the children live is viewed as abnormal, however, and thus a social problem.

The number of children not living with two adults, both of whom are the biological parents or one of whom is a stepparent, is estimated at between 10 and 15% of all children under 18.* A vast majority of these single parent families -- about 90% -- are composed of the mother and children. Since an estimated 60% of single parent families headed by the mother are receiving some form of welfare assistance, and since the general public impression is that the need for welfare is indicative of some kind of social dysfunction, the conclusion suggests itself that the single parent family is dysfunctional. This concept was expressed by the original title assigned to the Task Force, "family instability."

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*Recent census analysis indicate that within the Borough of Manhattan in New York City 35% of all children under 18 do not live with both parents. Further research is needed to pinpoint areas of high single parent family concentrations, the hypothesis being that such concentrations are most likely to occur in major urban centers.

An additional element of concern leading to creation of the task force was that the existence of a large and growing number of single-parent families indicates the existence of problematic forces working on the traditional, two-parent family. Divorce, separation, and a high incidence of out-of-wedlock pregnancies, for example, are viewed as evidence that the nuclear family is faced with increasing difficulties in retaining its dominant place as the basic social unit. An initial assumption of many task force members seemed to be that one of the task force objectives was to find new ways or to reinforce existing ways of strengthening the stability and continuity of the nuclear family.

Thus, the Task Force on Family Stability began with the assumptions that the single-parent family is unstable, and that while assisting such families to maintain their best level of functioning, perhaps through such means as improving the welfare system, is a major objective, the critical objective would be to find means of strengthening the nuclear (two-parent) family in order to avoid the breakdowns which result in the creation of single-parent families. In its initial deliberations, the Task Force undertook to question the assumptions underlying its own creation. What is an appropriate definition of family? What do we mean by stability or instability? Is stability good, instability bad? Are these concepts really useful in getting at definitions of problems which are amenable to solutions in the social and political contexts within which the Symposium must operate?

B. The Problems Reformulated

The process of confronting these fundamental issues has been frustrating but highly stimulating to most task force members. More and more participants have been forced to become aware of the rigidity of their perceptions, and of their tendency to retreat into familiar ways of defining problems, of avoiding challenges to their unconscious premises and prejudices. They have also had to become aware that such retreat could only lead to proposals for more of the same kinds of palliative recommendations which have failed to eliminate the distressful conditions under which millions of children continue to be raised.

As a result of the task force's willingness to struggle with these uncomfortable issues, it has been possible to develop a restatement of the problems that led to creation of the task force. The following statement, which departs significantly from the premises initially considered, is expected to be controversial, but it is set forth with the intention of furthering efforts to solve real problems of real children.

Every child is totally helpless when he enters the world. In practical terms, childhood lasts until the young human being has developed sufficient mastery of his own mind and body to survive in a normal social environment without constant dependency on another person or persons. In California, legally, it is presumed that this dependency ends at age 18.

Every child, regardless of whether he lives with one or both biological parents, with any number of parent surrogates, or in any other social structure, requires at a minimum for survival that he be fed and protected from hostile elements in the environment. Beyond that, in order to achieve the degree of non-dependence which in his socio-cultural milieu is equated with adulthood, he must receive nurture and education which will enable him to function as an adult. (In most cultures, this education includes development of parenting skills. In our culture this is not necessarily the case. This lack is seen as one of the problems to which the task force must address itself.)

Beyond the food and protection requirements for sheer physiological survival, there appear to be no absolute requirements or standards for nurture and education which stand apart from socio-cultural norms. What represents adequate training and a suitable growing-up environment for a child in one culture or subculture may be totally inadequate as preparation for a child in another culture. This is also true of succeeding generations within the same society. Ability to read was not considered a normally essential skill for most American children in the 19th Century. In the 20th Century, illiteracy almost certainly dooms an American to low socio-economic status.

The departure of the United States from a civilization based on an agrarian and frontier economy has placed increasing strains on fundamental social institutions which are deeply rooted in the values, expectations and adaptive exigencies of an agrarian civilization. For example, the work ethic ("Them as don't work, don't eat"), highly adaptive as a distribution mechanism in an economy of scarcity has become increasingly maladaptive in the face of a capital-intensive economy which easily overproduces with only a fraction of the potential labor force, and which increasingly defines more and more workers as intolerably marginal. The literature of welfare abounds with stories of fathers who, unable to earn enough to feed their families, have abandoned them so that the children might qualify for welfare. Recent efforts at coping with growing welfare rolls have resulted in public policies which attempt to impose the work ethic on the welfare mother who remains with the children when the father is gone, as if reassertion of a formerly adaptive ethic will compensate for the consequences of its present maladaptiveness.

One of the chief victims of our failure or refusal to readjust our value systems to new realities is the nuclear family. As in the example given above, the nuclear family is having great difficulty maintaining its integrity in the new economic environment. Shifting labor use patterns have eliminated the productive value of children. On the farm they could begin pulling their own weight at a tender age; in the city they are an economic liability to their families at least until they are well into their teens. Thus, large families, the backbone of an agrarian economy, are at a great disadvantage today. But large or small, the nuclear family is under siege.

The preceding statements highlight the difficulties implicit in efforts to shore up a social institution which clearly is imperfectly adapted to current realities. That the nuclear family is still the primary nurturing environment for the great majority of children makes the need to get a grip on adaptive solutions all the more urgent. If it is clear that more and more nuclear families are doomed to dissolve under the pressure of social and economic change, then we must find and support other structures for the rearing of children.

C. Defects in the Reformulation

The Task Force recognizes that this analysis tends to equate "traditional family" with the traditional social organization of white Americans of European origin, and is, therefore, not necessarily applicable to all ethnic and cultural groups within American society. Indeed, several Task Force members have consistently pointed out that the perception of a family instability or family disintegration "problem" has been put forth by white middle-class participants in response to a growing awareness of this phenomenon within the white middle class. The same observation is made regarding the growth of feminist analyses of such issues, that is, current feminism and its concerns being seen as a white, middle-class phenomenon.

This point of view sees sexist discrimination and discrimination against mother-headed, single-parent families as real, but not as a dominant, universal phenomenon centrally relevant to all cultural, ethnic or socio-economic groups. A paradigmatic expression of this point of view might be, on behalf of black women who have long experienced these forms of discrimination, but as subsidiary to racist discrimination, "Where was white middle America when the 'problem' was seen as essentially racial, that is, as something that happened mainly to blacks? Will white America's new concern for family stability accommodate consideration of the racist elements which have been part of the patterns of forced instability, such as the black man being driven away from his family by economic discrimination? Will it accommodate consideration of ethnic and cultural life-styles which may bear a structural resemblance to so-called family disintegration but which afford substantial and adaptive 'stability' to children reared under such circumstances? In short, will a search for 'solutions' to family stability issues encompass broader consideration of social justice issues, or will it be narrowly focused on the needs of the white middle class."

Although the Task Force devoted considerable discussion time to these matters, no resolution was forthcoming. The subject continues to demand further deliberation in succeeding stages of the Symposium's activities.

IV. CONCLUSIONS: THE CONTINUING SEARCH FOR SOLUTIONS TO FAMILY INSTABILITY

The Task Force on Family Stability has decided to focus on the following areas as possible solutions to Family Instability.

A. Parent Education

In each of the task force meetings the need for parent education was uppermost in our minds. We saw a dual need: (a) to teach adults how to be better parents, and (b) to alert young people to the responsibilities, difficulties and techniques of parenthood, to make them think seriously before conceiving a child. Parent education could be taught in much the same way as sex education is taught today but with the emphasis on parenting. Elementary school is the proper starting place with increasing emphasis as the children get older.

B. Children's Bureau

More than 50 years ago the United States government created a Children's Bureau in recognition of the collective responsibility of all Americans for the well-being of all the children of America. Through a series of restructurings, reemphasis, and redirections of public policy, the concept of a special governmental unit to review services to children, to conduct research and demonstrations, and to advocate on behalf of children has all but disappeared. With the decline of the importance and prestige of the federal government's Children's Bureau has come a diminution of public understanding and concern for the needs of millions of children, middle-class as well as economically disadvantaged.

We are aware that other task forces are working on this problem. We intend to add our concern and our recommendations to their deliberations.

C. AFDC (Aid to Families with Dependent Children) Grants

One of the single most critical issues for the stabilization of families is the assurance that all families have sufficient money to guarantee a minimum standard of living. While social services have their place in society, there is no substitute for the essentials, such as food, housing and clothing. Regardless of the economic or marital status of the parents, all children have physical needs which must be recognized and met.

Our social policy directed to the economic needs of children has steadfastly refused to consider the real causes of the substandard economic status of the single-parent family headed by the mother. The median earnings of women who work full-time year-round are only 60% of the median earnings of year-round male workers.* The woman who must support her children by herself is, therefore, in jeopardy of being locked into poverty whether or not her income derives from the welfare system or from the labor market.

As long as public attitudes toward the economic disabilities of mother-headed families are conditioned by misconceptions of the causes ("Welfare recipients are lazy, they have babies to get more money, women who can't hold on to their men are failures"), we will continue to doom millions of children to government-imposed poverty.

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*See attached - Comparative Income of Women and Men, 1970.

As long as we enact welfare policies which are designed to punish parents, we will punish their children. As long as we do not correct sex-based inequities in the labor market, mother-headed families not on welfare will fare little better than welfare families.

D. Children's Allotment

The Task Force's interest in pursuing the issue of the "children's allowance" is really an extension of our belief that an adequate standard of living must be assured for each child. Since there is a stigma attached to welfare in this country, we feel that if every child were given an allotment which would cover his minimum economic needs regardless of the economic status of his family there would be no stigma attached. The allotment might vary according to each child's economic need, but every child would be a recipient.

Several countries have a children's allowance. We intend to study this issue further.

E. Expansion of Services to Families

The Task Force feels there is a definite need for the expansion of social services to assist troubled families and especially services which assist single-parent families to meet the needs of their children. For example, we perceive continuing and growing needs for such services as:

1. Counselling for families (parents and children).

2. Adequate day care for children of working parents or non-working parents if they feel a need for a respite.

3. Homemaker services to assist the family during crisis periods. Children should not be removed from the home unless absolutely necessary.

4. Assistance and instruction for parents who lack the basic skills of child-rearing.

5. Neighborhood centers where parents can meet and assist each other in dealing with their problems.

The Task Force intends to investigate the question of services to families in considerable depth in the next phase.

Appendix - A
COMPARATIVE INCOME OF WOMEN AND MEN, 1970
(Median Income)

Occupation	Year-round full-time workers: Women	Year-round full-time workers: Men	Year-round full-time workers: Women's income as percentage of men's	All workers: Women	All workers: Men	All workers: Women's income as percentage of men's
Professional, technical and kindred workers	$ 8005	$12477	64.2	$ 6675	$11577	57.8
Managers, officials and proprietors, exc. farm	6624	11937	55.5	5523	11292	48.9
Clerical and kindred workers	5650	8931	63.3	4646	7965	58.3
Sales workers	4268	10243	41.7	2279	8321	27.4
Craftsmen, foremen and kindred workers	5100	9417	54.2	4276	8833	48.4
Operatives and kindred workers	4589	7786	58.9	3885	7017	55.4
Private household workers	2203	--	--	825	--	--
Service workers, exc. private household	4035	7234	55.8	2541	5568	45.6
Laborers, exc. farm and mine	4405	6731	65.4	3151	4839	65.1
Total, all workers	5483	9225	59.4	3844	8036	47.8

(Source: U.S. Department of Commerce, Bureau of the Census. Current Population Reports: Income in 1970 of Families and Persons in the United States. P. 110.

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HEALTH TASK FORCE

ASSEMBLY SYMPOSIUM ON SERVICES TO CHILDREN AND YOUTH

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HEALTH--TABLE OF CONTENTS

Page

I. INTRODUCTION IX-4

II. OUTLINE OF FINDINGS AND RECOMMENDATIONS IX-5

III. SUBSTANTIVE FINDINGS AND SUBSTANTIVE RECOMMENDATIONS IN THREE AREAS IX-7

A. KINDS OF HEALTH CARE NOT DELIVERED IX-7

1. Problem Categories IX-7
   a. Lack of effective primary health care services IX-7
   b. Lack of effective health care for special groups IX-8
   c. Lack of humane personalized health services IX-8

2. Needs and Recommendations--A Tabular Presentation IX-9

B. POOR ORGANIZATION OF THE DELIVERY SYSTEM IX-14

1. Problem and Need IX-14

2. Goal IX-14

3. Recommendations IX-14

4. Specific Issues IX-15

C. HEALTH EDUCATION IX-25

1. Poor Quality of Health Education IX-27

2. Unevenness or Nonexistence of Health Education IX-27

3. Teacher Deficiencies IX-28

4. Proper Materials and Resource People Not Utilized IX-29

5. Lunches IX-29

6. Poor Coordination Between Schools and Health Programs IX-30

7. Roadblocks in the Way of Family Life and Sex Education IX-30

Page

IV. PROCEDURAL RECOMMENDATIONS IX-31

A. CONTINUATION OF TASK FORCE IX-31

B. CONTACT WITH LEGISLATURE IX-31

C. CONTACT WITH AGENCIES IX-31

D. TOPIC AREAS IX-31

V. APPENDIXES

I.(A). CRISIS IN CHILD MENTAL HEALTH: A CRITICAL ASSESSMENT IX-33

I.(B). THE GRID IX-36

II. POSITION STATEMENT ON HEALTH INSURANCE COVERAGE FOR CHILD PSYCHIATRIC SERVICES IX-40

I. INTRODUCTION

The Task Force of Child and Youth Health, one of the ten Task Forces* on Services to Children and Youth, met four times between July 28 and September 8, 1973. This is a report on the problems that the Task Force found in the health area, together with its recommendations for action within the context of stated ideal goals to be attained.

The recommendations are divided into two categories: substantive, having to do with changes in the health system; and procedural, having to do with future actions which the Task Force and the Symposium should undertake. The substantive problems, goals and recommendations are further divided into three areas: those health care services not delivered; poor organization of the delivery system; and health education. Each of these three areas was handled by a subgroup of the Task Force.

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*The group on Dependency and Neglect, which met separately, is treated in a separate report.

II. OUTLINE OF FINDINGS AND RECOMMENDATIONS

A. Kinds of health care not delivered:

   1. Lack of primary health care services, meaning ambulatory, preventive, health maintenance, diagnostic and therapeutic outpatient services.

   2. Lack of effective health care for special groups: rural children, families, migrants, inner city, ethnic ghetto, abused and neglected, and working poor.

   3. Lack of humane, personalized services.

B. Poor organization of the delivery system:

   1. Recommendations:

      a. Statutory commission

      b. Children's agency

      c. Health plan

      d. Interim health plan

      e. Data for planning and evaluation

   2. Issues:

      a. Lack of public health awareness

      b. Lack of development of child's right to health care

      c. Lack of health planning and poor health organization on statewide, regional and local levels

      d. Lack of outreach

      e. Lack of centralized records

      f. Lack of inter-sector and inter-agency coordination

      g. Funding gaps

      h. Irrational allocation of personnel through training.

C. Health education:

1. Poor quality of health education
2. Unevenness and nonexistence of health education
3. Uninformed, unprepared, unsuited teachers
4. Other problems

PROCEDURAL RECOMMENDATIONS

A. That the Task Force continue.

B. That the Task Force have active contact with the Legislature, including the Senate. ACR 49 is supported as a means for doing this.

C. That the Task Force have more contact with state administrative agencies.

D. Other recommendations: particular topic areas needing work.

III. SUBSTANTIVE FINDINGS AND SUBSTANTIVE RECOMMENDATIONS IN THREE AREAS

The subgroup of the Health Task Force reported their findings regarding (1) the problems of the system, and (2) the goals the system should ideally attain. Recommendations were made and, in some cases, were tied to the specific problem statements. Priorities were assigned within the Health Education area only. Elaboration of the substantive findings and recommendations follows:

A. Kinds of Health Care Services Not Delivered

The Kinds of Care Subgroup recommends above all, in order to identify and to provide the health care services needed in a family context by children and youth, that there should be centralized coordination of services for children at all planning levels, and most particularly at state and national levels.

1. Problem Categories.

The specific needs identified, fall into three categories:

a. Lack of effective primary health care services. Primary health care has been defined as comprising "...all of those health services which are provided for individuals mainly on an ambulatory basis in the community or in their homes... preventive and health maintenance services in the community; diagnostic and therapeutic services offered in physicians' offices, in clinics, or in health centers; home care services for those who are ill; and rehabilitative services."

(Canadian RN-MD Statement.)

b. Lack of effective health care for special groups:

- Rural children.
- Families.
- Migrants.
- Inner city, disadvantaged groups.
- Certain ethnic groups: Indians, Blacks, Mexican-Americans, Asians.
- Working poor, former or potential welfare recipients.

c. Lack of humane, personalized health services.

In tabular form, the needs and recommendations are as follows:

2. Needs and Recommendations--A Tabular Presentation.

5

PROBLEM STATEMENT	PROBLEM SPECIFICATION	RECOMMENDATION
Need for a comprehensive range of health services for children and youth with particular emphasis on the extension of primary health care services.	Special emphasis on: Periodic health appraisal, including assessment of growth and development. Nutritional education and food services. Fluoridation, dental care. Personalized care. Improved emergency care. Mental health. Handicapping conditions. Drugs and alcohol. Family centered care. Rehabilitation services. Accident control: Poisons Automobiles Swimming Pools Toys. Outreach programs. Appreciation of alternate life styles. Abused and neglected children.	1. Coordination of planning and administrative responsibility in a single state and also a single national agency for children. 2 Establishment of neighborhood family health centers. 3. Education of health workers. 4. Special financial support for service and educational programs for primary care. 5. Development of specific programs to combat specific identified problems. (e.g., restraint systems for automobiles.) 6. Support of innovative delivery of care to different life styles. 7. State office for organization of services for abused children and their families. Responsibilities to be included: data collection, education funds for special projects (e.g., parents anonymous, hot line, emergency day care, therapeutic day care), development of a state plan.

PROBLEM STATEMENT	PROBLEM SPECIFICATION	RECOMMENDATIONS
Maternity and Infant		
Lack of continuous and early prenatal care.	Preconceptional preparation (Family life education, for example), early identification of pregnancy, and continuous provision of health services.	1. Family life education in the home, school and in overall health services. 2. Specially designed services for certain population groups: rap groups teen clinics free clinics parents' classes, during pregnancy and thereafter enlightened use of the schools for health services. 3. Neighborhood centers for families for personal health care services. 4. Improved utilization of health manpower, including physicians, nurses, nurse midwives, and nurse practitioners.*
Need for the use of growing technical knowledge about and easy access to prenatal diagnosis and genetic counseling. (Use of techniques to establish facts about an infant before birth.)	Health worker utilization of this knowledge and service implementation.	1. Continuing education for health workers and in schools of the health sciences. 2. Prenatal diagnostic and genetic counseling services. 3. Development of regional coordinated programs. 4. Continued research.

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* One of the members of the Health Task Force felt that the reference to "nurse practitioners" was inappropriate and often used to exclude other nursing personnel or appropriate professionals. The member stated that the recommendation for passage of the Nurse Midwifery Act was not discussed by the whole Task Force.

PROBLEM STATEMENT	PROBLEM SPECIFICATION	RECOMMENDATIONS
Lack of services for high risk maternity patients and their infants.	1. Services to identify high risk maternity and infant situations. 2. Services to meet needs of high risk maternity patients: toxemia treatment for accompanying disease; drug addicts; low income social problems; prematurity.	1. Studies for better and more objective identification of high risk mothers. 2. Organized state, national and regional planning for the care of high risk maternity patients, and infants. 3. Specialized services for high risk maternity care and infants, for instance in medical centers attached to universities. 4. Preventive local services to lessen the problem. 5. Local family health services. 6. Use of nurse practitioners.
Poor overall understanding about the effect of nutrition during pregnancy.	. All health workers in the field of maternal health need a better understanding of prenatal dietary requirements. 2. Adequate sources of food should be available to all maternity patients. 3. Better understanding of nutrition by pregnant women and their families.	1. An expanded system for continuing education for health workers and education in schools of the health sciences. 2. Supplemental food must be available to high risk--and eventually to all--maternity patients. 3. Improved education of people in relationship to diet during pregnancy.

PROBLEM STATEMENT	PROBLEM SPECIFICATION	RECOMMENDATIONS
Need for family centered maternity care.	1. More extensive preparation for childbirth, child care, and family life, with emphasis on psycho-social as well as physical care.	1. Neighborhood centers for family maternity care. 2. Family centered approach in hospital maternity situations. 3. Elimination of regulations restrictive to family involvement in maternity care. 4. Use of nurse-midwives and nurse practitioners in family care. 5. Pass Nurse Midwifery Act in California. 6. Change the Medical Practice Act and Nurse Practice Act to allow for changing patterns of practice.
Family planning is not integrated sufficiently into the total health delivery system.	Education should take place in schools, homes, and in most health services, especially primary health services.	1. Strengthen neighborhood centers for family care so that family planning is emphasized. 2. Schools of the health sciences should emphasize this. 3. More funding. 4. More use of nurse practitioners. 5. Existing single-purpose family planning clinics should be encouraged to expand services into prenatal and child care areas.

PROBLEM STATEMENT	PROBLEM SPECIFICATION	RECOMMENDATIONS
Poor distribution of health services.	Improve and extend health services to rural area, families, migrants, inner-city populations, other poor and deprived ethnic groups such as Indians and Blacks.	1. Categorical funding. 2. Scholarships for rural residents committed to return to rural areas. 3. Use of rural facilities for training programs. 4. Transportation systems to move patients to health facilities, and health facilities to patients. 5. Use of independent, self-employed nurse practitioners as well as publicly or physician employed, where distribution is poor. 6. Local neighborhood family health centers.
Need for humanization within health services.	Personal health care services should revolve more on the individual needs of people. Health personnel should listen to patients more and take time to plan care around the actual and real needs of patients. Health services should reflect less the needs of health personnel themselves.	1. Standards and guidelines for care should include stronger emphasis about personalized and humane health care. 2. Local neighborhood family health centers should have the major objective of delivering humane, personalized health care. 3. Schools of the health sciences should strengthen curricula aimed at humanization of care.

B. Poor Organization of the Delivery System

1. PROBLEM AND NEED:

In addressing the task of developing recommendations to the Assembly in the area of children's health, the Organization Subgroup finds large gaps in our knowledge of existing services and accurate statistics and data. The collection of necessary planning and evaluation data is lacking in all current health programs for children due to its present low priority for time and funds.

What information does exist, suggests that there is poor organization of children's health services, both in preventive and treatment areas and at all levels, from the neighborhoods to the state. There is a need for better organization which will provide the services and encourage the development of a more adequate and comprehensive health system. Currently, there is inadequate coordination of existing services and no systematic method of identifying needs and supporting the development of resources to meet them.

2. GOAL:

Children's health services should be organized in a manner which would provide a structure for efficient and effective preventive and treatment service delivery, with coordination among all levels and within each level, regardless of multiple funding sources.

3. RECOMMENDATIONS:

The Symposium should recommend to the Legislature:

(1) That the work begun by the Symposium be continued

by a statutory commission advisory to the Legislature and the appropriate state agencies;

(2) That the Legislature establish and define the responsibilities of a Children's Agency to coordinate and be responsible for administration of children's services;

(3) That the Children's Agency, with the advice and consent of the commission, develop an overall health plan using the concepts and examples addressed in the GAP Grid* and in the other recommendations and ground work of the Symposium Task Force on Health;

(4) That the development of a coordinated organization plan for children's health services proceed using current resources. This should preferably and eventually be a part of a Children's Agency, but in the interim could be part of the Health and Welfare Agency with active collaboration with the Department of Education; and,

(5) That adequate resources be made available for data collection to insure program evaluation, identification of resources, and clarification of need.

4. SPECIFIC ISSUES:

Several specific problems, issues, and concepts were taken into account in developing the above recommendations. They are discussed below as they relate to the poor organization of the delivery system.

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* GAP, Group for the Advancement of Psychiatry, Report #82, "Crisis in Child Mental Health; a Critical Assessment," February 1972; Pages 123-26 & 130-36. (See Appendixes IA and IB.) A Grid is a listing of the health care needs, including the major sites for intervention (e.g., nutrition) and specific services to be provided (e.g., well-baby checkups), toward categories of children. The major such categorization is age (or developmental stage), but within this, further breakdowns may be made by competence, overall state of health, etc. The GAP Grid is one such Grid. It looks at each developmental level in terms of enhancement, education, prevention and remediation.

a. Lack of Public Health Awareness:

A major problem is the ignorance of the public as to the availability of public health, that is, of what exists and what needs to be provided, especially as it relates to rural and urban populations and to racial and ethnic minorities.

There is a need to disseminate to the public knowledge that will inculcate a concern that can be transferred into specific action, which will, in turn, allow through legislation the giving of adequate health testing information and health care to the people of the state.

The Legislature, through a Children's Agency and statutory commission, needs to specify a minimum amount of knowledge that the public should have about health, and in turn, enact legislation that would ensure that the people in the state are informed and have access to treatment. For example, with respect to minors, legislation should be enacted which would require public health departments and facilities receiving public funds to provide minors with information on their rights to services that do not require parental consent.

Legislation should be enacted, modeled after the American Hospital Association Patient's Bill of Rights, and health facilities should be required to see that all patients are informed of their rights and responsibilities when receiving care.

b. Lack of Development of Children's Right to Health Care:

There is a need for reconciliation between the possessory rights of the parent, justifiable in terms of the child's developmental needs, and the sometimes conflicting needs of the child for health services. As an example, state laws need to be changed to omit the parental consent requirement for teenagers who seek medical treatment for drug related conditions and to give immunity to physicians who treat such teenagers without parental consent. Further examples and discussion, with references to the attempts of other states to resolve these problems, can be found in the National Clearinghouse for Legal Services "Clearinghouse Review," May 1973, pages 1-5, which also contains a model statute.

c. Lack of Health Planning and Poor Organization on Three Levels:

(1) Statewide. There is a need to coordinate health services for children at the state level. There is currently no overall coordination for program planning and/or funding and/or development.

Preventive and treatment services are split among several agencies with no overall plan or guidelines. Funding and programs are accessible only to those who can discover and understand the organization at the state level. At this time, it is not clear what the organization is in the Department of Health. It is difficult to discover what support the state provides for services at local levels. As an example, the programs for the handicapped need coordination and direction as they now rely on people supporting their own pet projects.

The goal is to provide integrated services at the state level. With centralized development of general program standards and ideals as well as funding data, the state could evaluate, coordinate, and integrate health services. Using the concepts of the GAP Grid, the state would also help the regions to coordinate and integrate health services.

To realize the goal of a coordinated health care services plan in the state, a statutory commission and a Children's Agency are important means, as noted above in the Recommendations.

(2) Regional. Better coordination of services within regions in California would lead to more efficient and effective children's health services. Some regions in the state now have coordinated planning in Comprehensive Health Planning Associations and area-wide Mental Retardation Planning Boards. These usually focus on treatment or rehabilitative services rather than preventive services. Even with the above associations and boards, treatment and rehabilitative services are rarely coordinated. Some regions may have duplication and others none. Some areas have resources serving specific elements of their population and ignoring others.

The goal is to provide health services to children according to the needs of each region, with particular emphasis on local health needs, population characteristics, and specialized health care programs as needed in the region. With the development of an umbrella structure at the state level, regional commissions should assist local communities in the development of plans and in coordination of health services throughout the region. State guidelines should be interpreted according to local needs.

(3) Community and Local. At the community or county level, special attention would be paid to coordination

of planning and services within neighborhoods which could have integrated health centers. This level (the community or county) would also be responsible for planning of secondary and tertiary health care and should help avoid or deal with the current geographic maldistribution of health care delivery services which has resulted from inadequate planning and maldistribution of health personnel.

At the local level, services are fragmented and discontinuous. Parents and children now must cope with geographically scattered, uncoordinated services, and this is particularly difficult for the poorly-functioning or inept parent.

At the local, neighborhood level, adequate primary prevention and primary medical care should be provided, with special attention to needs of the neighborhood and its population. When the population is spread over a wide area, mobile health centers or units should be utilized to increase contact between the center and the people. Special attention should be paid to family care and family support services. The system should enable home visits and home services whenever indicated. Referrals to a central comprehensive diagnostic facility need to be integrated with the neighborhood services concept. Health information and referral services are essential and should be correlated with other similar local services. Ombudsmen may be useful at this level. Coordination with other local non-health resources is also important.

Local control and evaluation are important issues. There is a need for community input in health care delivery. Private medical institution staffs and boards tend to be unrepresentative of the communities served. Advisory powers and local citizen evaluations need to be reconciled with an integrated and centralized health care delivery system. An informed public is an essential component of responsible local participation. Institutions need to be encouraged to take into account community input in their decisions at both policy and program levels. Formal lines of communication must be developed to insure interaction and communication among community representatives, consumers, and providers.

Among the steps to be considered are the following: joint community-provider meetings to determine local needs and explore service alternatives; on-going training of advisory board members to insure competency in program development and evaluation; consumer advocates with direct access to top administration and the consumers themselves; lines of communication as discussed above; staff development programs which would keep their focus on responding to community needs; program evaluation by informed advisory board staff and an educated community; and use of front-line staff to obtain community feedback.

At the various levels, local citizen and provider groups should indicate which particular needs should be focused on for greater funding and emphasis. At each level, as appropriate, there should be clarification as to what areas are satisfactorily covered or could be covered by private providers, what by private non-profit agency providers, and what by governmental or other public agencies.

d. Lack of Outreach:

Outreach programs are essential in providing local health care. The majority of information dissemination dealing with health care and services in the State of California is concentrated in the urban areas. This information is mainly available to those in the higher socio-economic income brackets and is least available to the urban poor, including large segments of the Black, Chicano, White, and migrant worker communities. In San Francisco and Los Angeles, this is also true of the Asian communities. Language barriers, among those of Mexican ancestry as well as the Asian groupings, are further barriers to the acquisition of knowledge necessary to heighten the health standards and general health level. In most cities, health care is concentrated in large medical centers such as the UCLA Medical Center, USC-LA County Medical Center, San Francisco Medical Center, and San Diego Children's Health Center. These centers currently provide either minimal or ineffective outreach programs.

e. Records:

Health records of children are frequently divided among many agencies or providers of services, leading to poor or inadequate health care. In regard to preventive aspects of medical care, health education is usually not recorded. Families and children either never receive basic health education, or they receive repeated unnecessary elementary "lessons." Prophylactic immunizations and vaccinations may be given repeatedly or never, without the knowledge of the responsible health care providers and/or the families.

In the treatment aspects of health records, treatment for specific conditions, allergies, physical and/or mental abuse and/or neglect are not readily accessible to other providers who may not even be aware of their existence. Records of treatment may be inadequate or non-existent for migratory families as well as families who move frequently in California. Treatment records are often destroyed when a family does not appear for awhile.

The goal would be to have centralized health care records for children to be kept in confidential but readily available locations in the community of residence. We would recommend that each county public health department maintain a central card file on all children within the county, documenting specific parameters of health care. The parameters to be developed should include such items as immunizations, allergies, chronic illnesses, and health education. There must be adequate safeguards to protect privileged communications, denial of access by unauthorized individuals or agencies, etc., for all medical records. They should not be used for legal, fiscal, insurance, or any other non-medical purposes. Records should be transferred whenever a child moves. Providers of health care would notify the county public health department whenever a given parameter exists, is administered, or noted.

f. Lack of Inter-sector and Inter-agency Coordination:

There is a definite lack of collaboration and even effective communication between the private and public sectors of the health care system. Current distrust of governmental programs and agencies by the private sector must be replaced by willingness to participate and cooperate in the design, implementation, and evaluation of health programs. Consumers as well as providers must be involved in this process.

Representation should be provided to organized health professionals, concerned consumers and individuals representing a variety of broad health interests in any legislatively-established commission and on all local planning bodies.

Mechanisms need to be established to provide visible and accessible means of communication between the public and private sector.

A clear identification of individuals and specific organizational units responsible for decisions in the area of health policy for children at state and local levels is needed.

There is a lack of coordination between health care provider training and health care delivery needs. This is due to lack of communication between serving agencies and training agencies as well as conflicting goals and definition of needs.

There is no state level coordination and lack of consistent local coordination between the K-12 school system and other health care providers. The school system provides many health care services but these are not coordinated with primary care providers. Among various school districts, per capita spending for health services ranges from fifty cents to ten dollars.

Health Maintenance Organizations that contract with Medi-Cal recipients often do not or cannot fulfill their health care delivery obligations, thus burdening other providers with their work and the recipient with added expense.

g. Funding:

Insurers tend to exclude or downgrade coverage for preventive aspects of health and for mental health services. Especially left out is funding for children's mental health services. Preventive services, including health education, are rarely funded. "Routine" primary care or "routine" physical examinations are frequently not authorized. Treatment services, especially in the mental health field, provide inadequate coverage, if any. Good insurance should provide for primary health care (prevention, education, rehabilitation) as well as secondary (treatment) and tertiary (rehabilitation) care. There is a need to develop minimum standards for insurance which could be mandated by law, as well as ideal standards which could be encouraged and striven for. (See Position Statement on Health Insurance Coverage for Child Psychiatric Services, Appendix II, attached.)

In mental health, youth gets more money than children. Probably this is because the disorders of adolescence (drugs, delinquency and drop-out) are more apparent and of more noxious impact. In a long-range view, when the firefighting type categorical funding is phased out, it should be replaced by a comprehensive health care system.

Currently, Short-Doyle funds are allocated according to a formula where such things as population under age 18 receives a weight far smaller than such things as the number of child abuse cases. Funding, thus, may go to counties with problems considered to have high nuisance value, increase according to immediate current problem increases, and punish effective long-range planning by decreasing according to decreases in current problems. More study is needed to determine the nature and extent of these problems.

Free Clinics and like organizations, which are currently meeting the health and mental health needs of large segments of the youth population as well as the adult population, should be acknowledged and encouraged in their endeavors, especially by providing them with desperately needed funding.

h. Lack of Rational Allocation of Personnel through Training:

Health personnel are not being trained in fields and specialties in numbers proportional to the health manpower needs of the state. The numbers graduating from health training institutions should be such as will provide adequate numbers of workers to meet the needs for primary care and family practice. Training of personnel to meet the needs of the non-nuclear family is also inadequate, as is training of personnel to meet the needs of bilingual and non-English-speaking peoples.

Geographic maldistribution of personnel is a problem which can be addressed by training institutions. Financial incentives (loan excusal), motivation, and skills should be adjusted within the training institutions to assure a correct geographic distribution of personnel.

C. Health Education

The Health Education Subgroup finds that health education potentially is one of the most effective ways of dealing with problems such as physical health, drug abuse, venereal disease, pregnancy, poor nutrition, environmental hazards and mental health.

Often children and youth are not receiving adequate health education and are, therefore, poorly equipped to deal with the above mentioned problems. It is recognized that the state, communities, parents and the schools have a shared responsibility for providing health education; but the school system is the main practical means of reaching all children.

An overall goal of health education is that children acquire the proper information, skills, and attitudes to enable them to maintain healthy functioning of their bodies and minds within their own communities. One government publication specifies the "information" item.* "Skills" include such things as sufficient conceptual and communication skills to identify and seek help for health problems. "Attitudes" means attitudes which do not oppose the seeking of good health. Such information, skills and attitudes should also enable the child to maintain health throughout its life, and to transmit similar information, skills and attitudes to its own children.

Here is a listing of problems and their associated goals in the Health Education area. The format, and in some cases, the specific formulation, follow those in the COMPREHENSIVE PROGRAM

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* FRAMEWORK FOR HEALTH INSTRUCTION IN CALIFORNIA PUBLIC SCHOOLS, K-12 (California State Department of Education). That publication defines the information necessary to children as including the following categories: Consumer Health, Mental-Emotional Health, Drug Use and Misuse, Family Health, Oral Health, Vision and Hearing, Nutrition, Exercise, Rest and Posture, Diseases and Disorders, Environmental Health Hazards, and Community Health Resources. Please refer to this publication for more specifications of the categories. How citizens can influence health policy, for example, is there included under the "Community Health Resources" rubric.

STATEMENT FOR HEALTH EDUCATION AND HEALTH SERVICES, 1974-75, a Department of Education document. The enumeration of problem areas and the priority ranking are this Subgroup's.

1. Poor Quality of Health Education

What Ought To Be:	What Is:
Education concerning VD, drug abuse, pregnancy and sex should be relevant, up-to-date, meet the needs of students in the particular school and grade, and anticipate their developing needs.	Frequently education on those topics is irrelevant, out-of-date, does not meet the needs of students, and does not anticipate their developing needs.
Health instruction should be focused upon those concepts directly related to the causes of health problems.	A review of health education guides indicates that most health instruction focuses on the provision of information, while ignoring the decision-making process.

2. Unevenness and Nonexistence of Health Education; No Health Education Mandate to Schools

What Ought To Be:	What Is:
Each school district should have adopted goals and objectives for comprehensive health education in the grades included in the district.	Only 48 percent of the districts responding to the State Department of Education "Framework Survey" (1973) reported having some form of goals and objectives.
Each school district should have an identifiable instructional program in health education. Consideration should be given to the 10 major content areas described in the Framework for Health Instruction.	Currently, health instruction is fragmented in both elementary and secondary schools, with emphasis on a few content areas, and little or no emphasis on the others. Districts tend to place emphasis on crisis areas.

There should be a specific time allotment for health education at junior and senior high school levels.	Health education in grades 7-12 is not required to be offered in schools and often is not made available to students. More health units are taught in science and homemaking than in any other subject area, and many students are not enrolled in these subjects.

3. Teacher Deficiencies

What Ought To Be:	What Is:
Teachers and community resource people responsible for health education should be trained and knowledgeable in this area. Teacher selection criteria should take significant cognizance of the emotional health and attitudes of the applicant.	A lack of prepared teachers was ranked third among the barriers to development of a comprehensive health education program in a State Department of Education study. Staff observations in school districts support the conclusion that there are few teachers who are prepared to teach health education. Teacher attitudes relating to emotionally-laden subject matter (such as venereal disease, drug abuse, pregnancy, or sex education) often inhibit effective education, and may even result in harmful mis-education by a process of identification.

RECOMMENDATION: There should be further studies to evaluate teacher preparation for health education.

4. Proper Materials and Resource People Not Utilized

What Ought To Be:	What Is:
Trained health education leadership should be available to assist districts in designing and implementing comprehensive health education programs.	Fewer than 12 County Offices of Education have personnel trained in health education to provide leadership for this subject area, and in only two of these is health education a full time assignment. Only a few districts have such staff.
Schools should be encouraged to use available community resource people for the provision of health education, as should colleges and universities providing health education courses for teacher trainees.	Such resource people are under-utilized.
Appropriate materials and other health education resources should be identified and made readily available to school personnel, parents and students.	A limited number of health education materials are being used in instructional programs. Some material that is used is outdated or otherwise unsuitable. Little appropriate health education material is being purchased by school districts.

5. Lunches

RECOMMENDATION: School lunch programs should be nutritionally balanced, the daily menus should be supervised by a nutritionist, and lunches should be used for education regarding nutrition.

6. Poor Coordination Between Schools and Health Programs

What Ought To Be:	What Is:
School health programs should be coordinated and articulated with other community and state health programs.	In many cases, school health programs lack coordination with community and state health programs, and schools fail to use and improve community resources to supplement their own resources.

7. Roadblocks in the Way of Family Life and Sex Education

What Ought To Be:	What Is:
Family life education and sex education need to be part of the curricula of the schools, and training in these areas should be provided for teachers.	Family life education, which includes sex education, is an area that many teachers are not prepared to teach, or neglect to teach, because they fear losing their credentials. (The Schmitz Act, Sec. 8506 of the Education Code is a threat to teachers' credentials.) Proper and sufficient education about V.D., drug abuse, pregnancy, and sex is limited by local parental attitudes.

IV. PROCEDURAL RECOMMENDATIONS

The Task Force makes the following recommendations for Symposium action in the next few months:

A. That the Task Force continue to meet.

Much work appropriate to a Task Force format remains to be done. Research staff of the Office of Research should be made available to do specific research tasks.

B. That the Task Force have active contact with the Legislature; and that the Task Force support ACR 49.

1. The Task Force should have active contact with the Legislature, especially with the Health Committees, both personally and through the medium of Task Force Reports.

2. At the earliest practicable time, the Senate (as well as the Assembly) should begin to consider the children's health problems generated by the Symposium.

3. The Task Force should support ACR 49, or similar measures, as a means of accomplishing #1 and #2 above.

C. That the Task Force have more contact with state health and education agencies, through Task Force Reports and other means.

D. Particular topic areas needing work.

1. The Task Force should bring in new members with experience in rural health, migrant health, and other types of health care which have not been adequately delivered, in order to specify the problems further.

2. The Task Force should consider the relationship between the public and private sectors of the health care delivery system.

3. The Task Force should further consider the merits of having a Department for Children.

4. More problems exist in the Health Education area than could be covered by September 15th. These problems need further Task Force work.

APPENDIX I.(A).

Volume VIII
Report No. 82
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Crisis in Child Mental Health: A Critical Assessment

Formulated by the
Ad Hoc Committee

Group for the Advancement of Psychiatry

The concept of a mental health grid

We would suggest, however, that well before an advocacy system could function, it would be necessary to develop the concept of a mental health grid. This idea, developed in detail by Dane Prugh, is already stated in CRISIS IN CHILD MENTAL HEALTH. It implies a pattern of services where one dimension would be the developmental level of the child and another dimension the kinds of services necessary for each age group. To illustrate this, we could mark on one axis of our framework the child as fetus, the child as newborn, the child in the first year of life, and then the toddler, the pre-schooler, the kindergarten student, the early grade school attender, and so on up. On the other axis we could list the different levels of health and competence: the superior and gifted level, the normal healthy level, the normal child exposed to stress (for example, divorce, surgery, death in the family), the level of early symptom formation, the more severe symptomatic pictures, until we reach the stage of gross emotional, intellectual, and neurologic breakdown. For each level of disturbance at each age there would need to be an appropriate agency available so that any child, with any degree of dysfunction, would be provided for.

To spell this out in somewhat greater detail such a grid would be directed at once to four basic goals:

ENHANCEMENT
EDUCATION
PREVENTION
REMEDIATION

It is the essence of the grid concept that it is tied specifically to an overriding sense of levels of development. At each stage, the interventional means to achieve these goals would necessarily be different. The grid would therefore include a variety of community programs as well as institutional structures. In effect, it would mean one spectrum of agencies designed to serve the unborn child; another array for the very young infant; a somewhat different group of services for the toddler; then the necessary schools, clinics, residences, and so on for the pre-school youngster; similarily, appropriate agencies to meet the needs of the kindergarten-grade school child; next, those for the puberty youngster. These in turn are not identical with what must be provided for the middle adolescent, who is again different from the youth on the verge of adulthood. A somewhat more careful delineation of the types of agencies needed at each developmental level is given in the Appendix.

Each community in the country needs to engage in such self-scrutiny with this perspective in mind: How many points on the grid are cared for by existing facilities? And how well? And what blanks are there? *Then* let the advocate appear, with his money and his authority, along with his responsibilities and his accountability.

Advocacy, as we see it, would have meaning only if help is provided in two very major phases. The first task would be that of community diagnosis and community remediation. Money alone cannot help children. The law alone cannot (and demonstrably has not been able to) help children. It requires a vital commitment within communities to sort out what they have and what they need. And the kind of governmental help that is required to initiate and work along with this type of self-evaluation will be very different from that required for the second-phase advocate, who will turn his attention directly to the children themselves and begin to deal with individual cases and particular families. He can do his work only when the initial mental health grid has taken some kind of form, when he has some services available for the children in need or at risk, and when what is *available* approaches what is *necessary.*

This preliminary step, the harnessing of community interest and the creation of at least the minimal necessary services, should not be exclusively oriented toward prevention or toward treatment. It must be directed toward both. When there is a choice that must be made, treatment should have priority. This has urgency and primacy. But often enough the same agency and approach that will help with the one will also serve the other. And in the largest sense we would see neither treatment nor prevention sacrificed; they are both essential. They should both be supported and advanced.

Dual areas of treatment and prevention

This brings us to our final point. We want to see the programmatic creativeness of this country focus on two separate areas:

> One would be for treatment and all that it implies; for recruitment and training of young people for classical professional as well as new forms of caretaking roles; for creating and funding of facilities and services devised along the developmental grid noted above; and for the support and furtherance of research in child development and child mental illness.
>
> The other would be for prevention, with major attempts to use clinical consultation in devising mental health programs for all the media; for mental health methodology in the education of children as well as in teacher training; for mental health counseling for families and individuals; for the identification of vulnerable populations; and for reaching out a supportive hand to the minds and growth of children in the first three years of life and to their parents.

These two areas should develop and grow side by side and should mutally enliven and enrich one another. And the attempt to undertake them should not be delayed until all our social, racial, economic, political, urban, and international problems are solved.

It is in this final area that we are most at odds with the report. By striving to express a view on everything, we feel, it has lost sight of the necessary emphasis on the most cogent. The report confuses figure and ground, and the quick thrust, the vitality of the immediate, are muddled and obscured. There are things that should have priority, and we feel that throughout the lines are blurred.

It is a great flawed work we have here, but we would see its aspirations realized. They are the yearnings we all strive for.

APPENDIX

THE GRID

A. For the unborn child:

Major sites for intervention:

nutrition
medical care
genetic concerns
awareness of child rearing needs

1. Where the child is not wanted, abortion *early* in pregnancy should be an option open to all women.
2. Programs to provide a regular medical check-up for every pregnant woman.
   a. In some areas, this might imply special financial rewards for clinic attendance and achievement (keeping weight down, etc.). This would be far cheaper than the cost of care for a damaged child.
   b. Back-up programs to help out with other children in the home and with husbands in late and/or complicated pregnancy.
3. Back-up institutions (hospitals, clinics) for medical complications and for delivery.
4. Screening programs for detection of genetic damage in unborn infants.
5. Programs for nutritional support to pregnant women.
6. Programs for the education of pregnant women and concerned family members in child care and personality development.

B. For the newborn and young infant:

Major sites for intervention:

nutrition
protection
stimulation

1. Programs for regular medical well-baby check-ups for *all* babies required by law.
2. Back-up hospitals and clinics to care for sick babies.
3. Day care nursery services to give protection and care to young infants with working mothers.
4. Full infant care for cases of maternal incapacity.
   a. Adequate hospital back-up for mothers with mental or physical illness.
5. Full infant care for battered or abandoned children.
   a. Protective and treatment services for families with battered children.
6. Programs of nutritional support for *all* infants.
7. A system of designating certain infants as: AT RISK
8. Home visiting programs for infants AT RISK to provide, and to teach families to provide, optimum stimulation.

C. For the toddler:

Major sites for intervention:

protection and medical care
detection of children AT RISK
treatment for families and children

1. Detection programs for the precocious or gifted child.
2. Back-up counseling and specialized training for parents of children with unusual gifts.
3. Programs for continued provision of regular medical checkups for all children.

4. Back-up hospital and health care services.
5. Nursery school day care services for children of working mothers.
6. Residential settings for abandoned or battered children.
7. Provisions for identification of children: AT RISK.
8. Mental health outpatient facilities for identification of the nature of child and family problems.
9. Home visiting programs to support families with children AT RISK wtih emphasis on giving optimum stimulation and avoiding excessive stimulation.
10. Outpatient treatment facilities for families with troubled or limited children and for the children themselves.
11. Therapeutic nursery settings as part of such outpatient care.
12. Residential treatment settings for children with serious emotional or intellectual difficulties.

D. For the pre-school child:

1. Similar to C. 1-12 above.
2. Availability of day school programs as an integral part of the community educational system for all children from age three on up to kindergarten age.

E. For the grade-school child:

Major sites for intervention:
education
mediation

1. Programs for the detection and evaluation of unusual gifts in children and for the realization and enhancement of these talents.
2. Adequate schooling and basic health examinations for all children.
   a. Sex education, how to understand yourself, getting along in groups, how families work, etc., should be part of regular schooling.
3. Pattern for community reporting of children AT RISK by doctors, clinics, hospitals, and schools.
4. Provision of an advocate to respond to such reports by working with families and agencies to provide services.
5. Provision of adequate community resources to allow the advocate to fullfill his function.
   a. Outpatient mental health clinics for child and family.
   b. Special classes and special supports within the school system for children with emotional and intellectual difficulties.
   c. Diagnostic centers providing brief inpatient care for unusual cases.
   d. Special day schools with associated mental health support services for more disturbed children.
   e. Day hospital care.
   f. Residential treatment.
   g. Humane custodial care for the child with massive neurologic damage.
6. A pattern of family support services.
   a. Family therapy.
   b. Availability of homemakers for long-term family support.
   c. Family crisis intervention services.
   d. Back-up outpatient and inpatient psychiatric services for individual family members as needed.

F. For the pubertal youngster:

Major sites for intervention:

education

treatment

beginning career planning

coping with adolescent sexuality

1. Where talent or unusual intellect is noted, refer to advocate for help in specialized training, opportunity, and family counselling.
2. For all youngsters, adequate schooling.
   a. Sex education, family life, personality problems, how to understand yourself, etc., should be a necessary part of public school education.
3. Special classes for youngsters with emotional or intellectual problems.
4. Vocational planning and career consultation to help children and families begin to consider potential routes for future education and for training.
   a. Possibilities for early vocational training placement at end of junior high school.
5. Outpatient mental health clinic facilities.
6. Day programs such as day hospital care for youngsters needing greater support.
7. Diagnostic and crisis centers for short-term stay and brief crisis intervention.
8. Halfway houses for youth who can stay in the community but not at home.
9. Residential treatment centers.
10. General health support services.
    a. Private physicians
    b. Clinics
    c. Hospitals
11. Settings for unmarried pregnant girls:
    a. Special schools for youngsters who live at home.

    b. Residential centers for youngsters who cannot live at home.
12. Advocate in juvenile court to obtain maximum community service support for youngsters brought to court.

G. For the adolescent:

Major sites for intervention:

education

training

treatment

help with independence

1. Appropriate patterns of education and training.
   a. Special schools or classes for the talented.
   b. Academic schools or classes for youngsters who would go on to college.
   c. Commercial business courses for youngsters who seek secretarial or business careers.
   d. A wide range of vocational training opportunities for appropriate candidates with built-in apprenticeship arrangements worked out with industry and labor.
   e. Special schools and classes for handicapped children, including separate facilities for children with intellectual, physical, or emotional problems.
2. Adequate specialized medical services.
   a. Practitioners and clinics trained in adolescent medicine.
   b. Full range of services for management of pregnancies of unmarried girls.
   c. VD control clinics.
   d. Family planning programs designed especially for teenagers.

3. Drug Programs.
   a. Education and counseling centers to give service to school, parents, and youngsters about drugs.
   b. Group programs for youngsters who desire to come to grips with a drug problem.
   c. Therapeutic halfway houses for youngsters who feel they cannot handle a drug problem at home.
   d. Methadone treatment clinics.
4. Community-supported teen centers with active social and recreational programs.
   a. A pattern of contests for teenagers such as drag racing, sports, cooking, sewing, crafts, science fairs, dancing, poetry, bands, etc., with meaningful rewards as a regular part of community life.
5. A range of mental health programs.
   a. Community-run hostels for runaways and transients.
   b. Outpatient clinics.
   c. Day care programs.
   d. Short-term diagnostic and crisis-care inpatient units.
   e. Residential treatment centers.
   f. Hospital beds or cottages including closed-ward care for youngsters needing more protection.

APPENDIX II.

AMERICAN ACADEMY OF CHILD PSYCHIATRY

POSITION STATEMENT ON HEALTH INSURANCE COVERAGE FOR CHILD PSYCHIATRIC SERVICES

Formulated by the Committee on Insurance
Approved by Council of Academy 4/30/72

AN ADEQUATE SYSTEM OF HEALTH INSURANCE COVERAGE FOR CHILD PSYCHIATRIC SERVICES SHOULD CONTAIN THE FOLLOWING PROVISIONS:

1. Interviews and Contacts with Other Family Members

   In addition to direct work with the child, interviews and contacts with immediate members of the patient's family, particularly parents or parent-substitutes, are an integral and essential aspect of child psychiatric service, and should be covered.

2. Services of Collaborative Non-Medical Professionals performed in meaningful collaboration with the physician, rendered with his authorization or under his supervision, should be covered.

3. Adjunctive and Alternative Services including but not limited to therapeutic nursery schools, day hospitals, therapeutic boarding schools, residential psychiatric treatment centers, specialized foster care programs, etc., should be covered when furnished in meaningful collaboration with the physician, rendered with his authorization or under his supervision.

4. Fees or Charges for Service should be based on the realistic and legitimate cost of providing the service, and reimbursement from Health Insurance should be geared to such charges.

5. Confidentiality of Information Should be Assured. The procedures should be handled in such ways that submission of claims through the employer is not required.

6. Utilization Review. Some workable system of utilization review and program review would be a necessary feature of a comprehensive Health Insurance plan, and qualified child psychiatrists should be involved in the review of child psychiatric services.

7. Co-insurance, that is, the requirement that the patient pay directly a portion of the cost of service, with a sliding scale related to income level, should not be disregarded as a possible means of some control of utilization.

8. Discriminatory Ceilings applicable to mental health coverage as different from coverage of other health services should be eliminated. Provision for coverage of catastrophic expense as in the case of active psychiatric residential treatment of children is an important feature which should be included in coverage.

9. A Diversity of Possible Service Delivery Systems should be eligible for coverage rather than limitation or restriction of eligibility to any single system, such as the Comprehensive Community Mental Health Center system. The development of a variety of systems such as small group practices, small independent clinics, including those on a private basis, should be encouraged.

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DEPENDENCY, NEGLECT, AND TERMINATION OF PARENTAL RIGHTS TASK FORCE (HEALTH SUBCOMMITTEE)

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DEPENDENCY AND NEGLECT--TABLE OF CONTENTS

Page

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS X-3

II. INTRODUCTION X-7
  A. Factual Premises X-8
  B. Goals X-9
  C. The Problem and Why It Exists X-10
  D. Problems in the Court Process X-15

III. THE SERVICES SYSTEM - THEORY AND PRACTICE X-20
  A. The Reality of Services Delivery Systems X-22
  B. Effects of Services Delivery X-31
  C. Problems and Solutions - Services X-33
  D. Termination Proceedings X-41

APPENDIX A -- THE COURT SYSTEM X-45

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PAGE X-3

6. A central index should be developed so that families in the dependency avoidance process can be quickly identified by police officers who may come in contact with them.

7. More and better training should be provided for social workers,probation officers, police officers and others who are involved with dependent children.

8. Police departments should develop specially-trained Family Crisis Units to deal with family problems.

9. A new job description and career ladder should be developed for the position of "Family Helper" or community aide.

The Court

10. Whenever possible, cases referred for court action should be handled informally (under Section 654 of the Welfare and Institutions Code) and not taken into court.

11. Uniform standards for assuming jurisdiction must be developed for the juvenile court.

12. Procedural safeguards must be formulated to insure adequate notice, time to prepare a case and retain counsel for all parties involved in dependency proceedings at all stages - detention, adjudication and disposition.

13. The juvenile court should make certain that services were provided to avoid dependency before it assumes jurisdiction.

14. After the court assumes jurisdiction, it should make certain at each Annual Review that services were provided to reunite the natural family.

Placement

15. Whenever reasonable a child's preferences should be taken into account when making placement decisions.

16. Children placed in foster homes should be placed at a reasonable distance from their natural parents to encourage communication and visiting.

17. Children should not be moved around between foster homes, unless clearly necessary.

18. Foster parents should serve as professionals, with training and continuing support from agency workers. Board rates paid to foster parents should be adequate to properly care for a child.

19. Localities should not be permitted to ban foster family homes by ordinance.

20. Licensing standards should make certain that foster parents are capable of performing a difficult task.

Termination Of Parental Rights

21. Termination petitions should be sustained only after all available remedies to reunite and strengthen the family have been exhausted. The petitioner must prove that such efforts have been made or were inappropriate.

Further Study

22. The Task Force is concerned with defining a minimal level of services that can be mandated by law.

23. Study is needed on the costs of foster care in California to determine adequate board rates for children with different needs.

24. Study is needed on how counties handle provision of services, crises intervention, dependency proceedings, placement decisions, board rate determinations and termination of parental rights. Effective programs and methods should be identified and replicated.

II

INTRODUCTION

This report is based upon the Task Force's unanimous opinion that a child should be removed from his or her family only in the most severe and potentially dangerous situations; the Task Force feels that too many cases are referred for Juvenile Court intervention; and that the majority of cases brought to Juvenile Court for dependency and neglect proceedings would not require court intervention if appropriate remedial and rehabilitative services were available to families.

We base our opinions on observations of how the dependency and neglect system actually works, rather than on the legal definition of a dependent child (Welfare and Institutions Code §600). We focus on the need to provide adequate and appropriate services to the child and his parents to prevent disintegration of the family unit.

A. FACTUAL PREMISES

1. A child needs an intact, stable family environment.

2. The natural family can provide an intact stable family environment at a lower cost to the taxpayer than any other alternative available.

3. Long-term, out-of-home placement provides child care that is less desirable than that provided by the majority of natural families.

4. Therefore, from the standpoint of both cost and quality of child care, the state should make every possible effort to keep the child with his natural family by providing training, assistance, and services to the natural family to provide the child with an intact, stable environment.

B. GOALS

A. Every child should have the opportunity to be raised in a family.

B. The primary goal of the state should be to keep the child with his natural family.

C. If the primary goal is impossible, the secondary goal should be to provide the child with an alternative stable environment.

D. If the primary and secondary goals are impossible to fulfill at the time when a placement decision must be made, and only in that event, the goal should be to provide temporary care with the ultimate purpose of implementing the primary and secondary goals.

C. THE PROBLEM AND WHY IT EXISTS

There is no comprehensive system or program for the delivery of services to and care of children in need of intact, stable family environments and, therefore, we refer to the present situation as a "non-system."

The non-system does not promote the previously defined goals. Often, it promotes the least desirable and most expensive alternative - long-term, out-of-home placement when the natural family unit could have been maintained if training, assistance and other services had been provided.

The primary deficiency of the non-system is that it is grossly uncoordinated and underbudgeted for the provision of assistance and services to families in need of such help. In fact, the non-system actually encourages out-of-home placement, and then imposes formidable barriers to the eventual reunification of the family.

There are a number of reasons for the existence of the problem. First, it is far simpler administratively to remove children from their homes than to correct or improve their home environment. Second, there is a natural tendency to favor short-term, physical protection of a child over a child's psychological need for a stable family environment. Third, the funding of the non-system further distorts placement decisions. Although the various funding mechanisms should, and are intended to, counteract the tendencies of bureaucratic convenience described above, the funding mechanisms actually reinforce the tendency to disintegrate the family unit.

For Example:

1. Child Protective Services are federally reimbursable for only ninety days. Thereafter, if the services are to be continued, they must be financed totally by local funds, a significant financial burden to the counties. Thus, only two other alternatives remain. Both are drastic. The agency can either forget about the family or can seek a Juvenile Court declaration of dependency in order to maintain federal participation in funding.

2. Foster care can be partially reimbursed by the federal government for AFDC recipients after a court-ordered foster home placement, but "homemaker services" designed to train and assist natural parents can not. Regulations describing recommended services exist at the state and federal level, but there is no mandate requiring application of any services before foster home placement is initiated.

3. The non-system has no mechanism for the delivery of appropriate services to the family. Those services that do exist emanate from hundreds of federal, state, county, municipal, and private agencies. The non-system provides no funding for many obvious solutions, such as, community based aides who would assist families in locating appropriate resources.

4. In those cases where substitute home care is needed, the non-system fails to insure either that the child will receive proper care or that reunification of the family unit will be encouraged and promoted. Foster parents receive inadequate training, counseling and financial reimbursement. Foster homes are frequently far away from the natural parents, both geographically and culturally. Well-meaning foster parents often seek to exclude natural parents from physical and emotional contact with their children. Visiting is discouraged. Reunification and reintegration is unnecessarily postponed or prevented.

5. The non-system does not even provide the purely physical protection every child deserves. In many counties, there is no clear responsibility for emergency intervention in those cases where such

intervention is immediately needed - to protect the battered or physically endangered child. Moreover, this shocking type of neglect and abuse occurs most commonly because no resources exist to relieve the pressures, stress and anxiety of a parent who is virtually imprisoned at home with young children. A family aide, a convenient drop off day care facility, or just someone to talk with are essential safety valves that the non-system fails to provide. If the child has been physically injured, the non-system stands ready with a generous assortment of punitive, expensive, and disintegrating sanctions. It is difficult enough for economically secure two-parent families to raise their children in our chaotic society. The dependency and neglect non-system deals primarily with indigent one-parent families whose problems are overwhelming.

CALIFORNIA HAS THREE ALTERNATIVES:

1. Ignore the family.
2. Take the children of troubled families away from their parents and, unless they can be adopted, raise them to maturity at state expense. While this alternative is a radical departure from our cultural tradition, it is the solution promoted by the existing non-system.

3. Keep children in their natural homes by providing training, assistance, and helping services, by removing only those who cannot be adequately safeguarded in this manner, by attempting reunification and reintegration as soon as crises or emergency conditions are solved or alleviated, and if that fails, by terminating parental rights and freeing the child for adoption.

D. PROBLEMS IN THE COURT PROCESS

The court process involving dependency and neglect cases is complex and is described more fully in Appendix A. The juvenile justice system as it now functions in dependency and neglect cases has built-in inadequacies that place impossible burdens on social service agencies and probation departments. We will now list the major inadequacies we have identified and possible remedies. Before we do this, we provide a few crucial definitions:

A. Detention Hearing: The initial hearing to determine the need, if any, to detain a child pending adjudication (trial). The court must find an "urgent and immediate" necessity for detention. Otherwise a minor will be released to the parents.

B. Adjudication: The trial phase of a dependency and neglect case in which the petitioner must prove, by a preponderance of the evidence, the matters alleged in the petition.

C. Disposition Hearing: The hearing which is held after a petition is found to be true. In this hearing the court determines the appropriate plan and may order institutional or foster home placement or placement at the home of the parents.

1. After a case comes to the attention of the authorities, a petition request is filed by a probation officer or a social service worker, depending on the county. This worker can decide not to file and instead handle and supervise a case informally. Section 654 of the Welfare and Institutions Code provides an excellent diversion from the juvenile court process. Unfortunately, it is rarely used because the costs of informal supervision must be supported totally by county funds. There is a financial disincentive to use Section 654 and therefore, 600 petitions are filed on cases that would readily respond to less formalized treatment.

2. One of the explanations for the limited use of Section 654 is the inadequacy of the investigation made prior to filing the petition. It is often unclear which cases would respond well to informal supervision. In addition, limited investigations also influence detention decisions. Investigating probation officers or social workers have an enormous task to accomplish during a short time.

Consequently, they have a built-in incentive to recommend detention and automatically file a petition without any real investigation. Because of the pressure on investigations units, too many minors are detained. The number and level of training of dependency investigators must be increased.

3. Notice to parents or guardians and to the minor of a pending detention hearing is inadequate. Often, the interested parties receive a telegram on the morning of the hearing (see example in the Appendix). There is seldom enough time for those involved to retain counsel. Parents and minors must be given time to prepare their case before the detention hearing.

4. A detention hearing is actually little more than a pro forma reading of the petition and a statement of rights and allegations to the parties. The referee has a natural tendency to "play it safe" and continue detention, often because he or she has no knowledge (other than the Detention Request Form and Petition) of the circumstances of the case.

The result is that too many children are held in protective custody pending dependency proceedings. Detention facilities are overloaded, family ties are unnecessarily severed and parents grow hostile as they cannot comprehend why their child have been taken from them.

The Task Force recommends that an adequate pre-filing investigation should be made and that the petitioning agency be required, by competent evidence, to demonstrate to the court an immediate and urgent necessity for the continued detention of a minor. To implement this recommendation, the investigator should be present in court to demonstrate the need for detention, and counsel for the minor and counsel for the parents should be present (appointed if the parties are indigent) to assure that an immediate and urgent necessity is demonstrated.

5. Counsel should be present at the adjudication hearing (the "trial phase") to adequately represent all the parties involved. If the parties are indigent, counsel should be appointed.

6. At adjudication, referees should have definitive standards to follow in determining whether the petition should be sustained or dismissed. Standards now applied vary from county to county - and even from courtroom to courtroom in the same county.

7. The Social Worker's report received into evidence at a dispositional hearing should contain only that information necessary for an adequate determination of the case, a recommendation to the court of the appropriate disposition of the matter

and why, in the social worker's opinion, that recommendation is the proper one. The report should contain a concise detailed plan for reuniting the child and family at the earliest possible time.

8. Currently, at an annual review hearing, parents have the burden of showing that they are willing and able to adequately care for their child. It is virtually impossible for the parents to get their child back unless the social worker recommends it.

The requirement that parents prove their fitness to care for a child should remain in the Code only if the petitioner has the burden of showing that affirmative efforts were made to help the family and that the efforts failed or that the family refused the services offered. Further, the burden of showing that the parents lack the ability to care for the child in its natural home should be shifted to a social agency if the child has remained in out-of-home placement for a period of two years, and no progress toward reuniting the family has been made. This assumes that various services were attempted during the two-year period.

III

THE SERVICES SYSTEM - THEORY AND PRACTICE

Many of the Task Force's recommendations concern the services provided by public agencies to families in trouble. As background to these recommendations, we will describe existing services delivery systems -- how they are organized and how they actually work. Theoretically, there are three distinct areas of services delivery that affect children who are dependent or neglected or who may become so:

1. Child Protective Services (CPS) under the Federal Child Protective Services Act, 42 U.S.C. §601 et seq., and the California Protective Services to Children Act, Welfare and Institutions Code §16500, et seq. These services are available for all children in the state to protect them from neglect, abuse or exploitation.

2. Dependency Supervision Services for cases in which the Juvenile Court has assumed jurisdiction. These services are designed to eliminate the problems which led to juvenile court intervention and unify and strengthen families. They attempt to remove the need for court jurisdiction at the earliest moment it is safe for the child and to avoid the need to terminate parental rights.

3. Adoption Services designed to provide early planning for children when parents wish to relinquish their children for adoption or when grounds for involuntary termination of parental rights exist.

In addition to these three services delivery systems, most county departments of social services in California also provide services for voluntary out-of-home placement of children in which the court is not involved. In such voluntary placements, social workers work with parents and children to facilitate the child's return to the natural home as soon as possible. In most instances, the services provided for voluntarily placed children are similar to those provided in dependency supervision.

Theoretically, the social services department applies services in the order listed -- first protective services designed to remove the need for court intervention; then dependency supervision services if the court assumes jurisdiction; and, finally, adoptive services if the natural family cannot be reunited. Each more serious step presumes either the refusal of the family to accept and cooperate with earlier attempts to render services and/or the failure of previous services delivered to solve the family's problems. However, "refusal to accept and cooperate with attempts to render services" is not always a fault of parents. The reputation of these services, the demeaning manner in which they are offered, and their identification with the mistrusted "welfare department" or the punitive "probation department" often make potential recipients refuse any services that may be offered.

A. THE REALITY OF SERVICES DELIVERY SYSTEMS

The theory of the services system is one thing; reality is another. Frequently children and their families are involved in court or adoption proceedings because of problems that could have been handled effectively by child protective services, if resources and effort had been concentrated there. The consequences of this are severe for, at present, the system works to unnecessarily separate children from their parents, maintain the separation and often push for adoption in cases where appropriate services applied earlier could have obviated the need for any separation.

We will discuss the three services system for dependent and neglected children in the order in which they are theoretically applied.

1. Child Protective Services (CPS) are designed to identify family problems that may potentially become dependency and neglect situations and protect the child. These services are planned to provide a mechanism for early intervention to maintain family unity and resolve existing problems. CPS are mandated in both potential and actual dependency

situations in an effort to avoid intervention by the juvenile court. Because of this, CPS can be applied in actual dependency situations before court involvement. What this means is that even if there are conditions or facts sufficient to allow the juvenile court to assume jurisdiction such court action is not required. This is evident in the intent of the Child Protective Services Act - only when a family refuses services or services cannot alleviate a condition should a CPS worker seek juvenile court jurisdiction. Clearly, the intent of the Protective Services Act is to avoid the strong arm of the juvenile court.

Protective services are authorized by statute for an open-ended period when a CPS worker becomes involved with a family through an inter-agency referral. However, if a CPS worker becomes involved with a family because of a request that a petition be filed in juvenile court, the services can only be applied for a fixed period of time. After investigation, instead of filing a petition the Probation or Social Services Department may initiate voluntary "informal" supervision by CPS for a period not to exceed six months. Because needed services are not available, some cases are closed prematurely.

Conversely, other cases that might have been solved by additional protective services are hastily referred for formal juvenile court action.

This court referral is often sought because the federal contribution to services costs is again available if a child is declared a "dependent of the court." Clearly, the time limited federal contribution to "pre-court" services provides an incentive to refer many cases to court that should not be there.

2. Dependency Supervision Services: Some cases of alleged neglect or abuse, either before or after protective services are used, are investigated prior to filing a petition under Section 600 of the Welfare and Institutions Code of California. These cases come to the attention of the county probation or social services department[1] through law enforcement and private citizen referrals. If an investigation points to the need for juvenile court action, a petition is filed in court; if the petition is sustained, the child is declared a "dependent" child of the court. At this point, dependency supervision services are offered by county departments of social service.

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[1] Counties handle this phase differently. In Los Angeles County, the social services department investigates, files petitions, and supervises placement. In San Francisco County, the probation department investigates and files petitions and the social services department supervises cases in which out-of-home placement is indicated. In Alameda County, all functions are handled by the "umbrella" Human Resources Administration.

Services rendered by the Dependency Supervision worker include referral to those same resources available to the Protective Services worker -- local psychiatric and mental health counseling, group therapy, parenting classes, medical treatment and counseling, etc., -- and placement services. As with protective services, the goals of dependency supervision services are maintenance of a unified natural family, resolution of existing problems and avoidance of further problem situations.

However, there are two crucial decision points in the system between the provision of protective services and dependency supervision. The first we have already discussed -- the reluctance of social service departments to provide protective services for more than 90 days and the subsequent hasty filing of unnecessary dependency petitions. The second concerns the dependency investigation process itself.

Most agencies maintain a unit specialized to investigate both petition requests and cases referred by the court for investigation and disposition recommendation. In some instances, a child is detained in protective custody (at Juvenile Hall, the "Dependent Shelter," the "Youth Guidance Center," or some other euphemism) while the investigation is conducted.

Once a child is detained, the "Emergency Services Unit" or equivalent becomes involved. The services available here are limited and basically concern providing shelter, food and clothing for the minor. Attempts are made to remove minors from institutional detention facilities and place them in short term foster care pending court proceedings. Young children, especially, are often moved to interim homes. Emergency services workers are responsible for arranging and supervising visits between parents and minors during this detention phase.

The decision to "detain or release" a minor is a crucial one, which affects the course of the dependency investigation that follows. The responsible agency has the authority to release the minor and dismiss the matter, release the minor and begin voluntary supervision, release the minor and file a "release" petition in juvenile court or, continue detaining the minor and file, within 48 hours of detention, a "detained" petition in juvenile court.

If the child is detained, the dependency investigation is usually inadequate. Because the decision to release or file must be made within 48 hours, there is rarely time to do a complete pre-filing investigation. Thus, the agency does not have enough time or information to decide whether a particular case could be handled under informal supervision and not taken into juvenile court. The total failure of the system at this crucial point forces great numbers of families into court who should not be there. The financial expense of this action is high, but more compelling is the expense in human and emotional terms of unnecessary court intervention.

When a petition request concerns a "non-detained" minor, i.e., one remaining in the home at the time of the petition request, most agencies refer the matter for a fuller dependency investigation. Agencies usually have more resources available for this investigation and are allowed more time to meet and talk with the family, investigate the referring incident and make a rational decision about the probable success of providing services to the family and avoiding the court. In these cases the investigator might refer the family to Protective Services, close the case or file a dependency petition in juvenile court.

The agency handling the investigation is also responsible, in most counties, for preparing the "court report" used by the juvenile court when it decides what to do in a dependency case (the "dispositional phase"). In the court report, the investigative worker describes the social history of the family, the level of functioning of the family and existing problems, and makes recommendations concerning appropriate action in relation to the child and family. The investigative worker might recommend placement in a foster home, group home or institution, or placement with a relative or with the parents. Recommendations in this report are given great weight by the judge or referee in dependency proceedings.

After the judge or referee has found a child to be a "dependent" of the court, the family is served by a dependency supervision worker. As we have already noted, the services available at this point are largely the same as those used by protective services workers. If the juvenile court order declares a child to be "dependent" but allows him or her to remain in the "home of parent," the Dependency Supervisor worker, in co-operation with the parent, may also use voluntary placement as a resource while addressing existing problems.

Regardless of whether placement is ordered in a long term foster home, home of a relative, or parent's home, the goal of the worker at this point is identical in most respects to that of the protective services worker. Every effort to maintain or establish family unity and solve existing and potential problems is made. In addition, the dependency supervision worker seeks to end court jurisdiction at the earliest moment. Avoiding termination of parental rights (under California Civil Code §232) is, of course, an integral part of this goal.

3. Adoption Services: Adoption planning and services are considered when parents want to relinquish a child for adoption or when the public agency initiates proceedings to terminate parental rights. The Task Force will discuss adoption services more fully in the section of the Report on "Termination of Parental Rights." At this point, it is worth noting one large problem with adoption services as they relate to dependent children. Since there are not enough children available for all the people who wish to adopt, some workers push for "adoptable" dependent children to be freed from their parents before all efforts have been made to reunite and strengthen the natural family. Once again, a tremendously serious

step is taken with no assurance that less drastic action has been attempted and proven ineffective. This is even more startling when one remembers that some children are removed from their parents when intensive protective services might have solved the family problems.

B. EFFECTS OF SERVICES DELIVERY

The Task Force has noted the following large problems in the delivery of services to dependent and neglected children in California:

1. Protective services are not applied beyond the 90-day period in which the federal government reimburses a portion of their costs. Therefore, too many cases wind up in court.

2. Because of insufficient investigations, cases are referred for 600 petition filings that might be handled through informal supervision and provision of services.

3. Social workers are sometimes pressured to free children for adoption by pressing to terminate their parents' rights before all attempts to reunify the family have been made.

An intensive, well-developed services delivery system is not expensive. The provision of maximum services is far less costly in both dollars and societal consequences than the long-term separation of families and court intervention into family life. Even if we look only at monetary costs, the figures are startling. A study of the New York City system estimated that the average cost of maintaining a child in long-term foster care from age one (1971) until maturity 18 years later was $122,500.* In contrast, "the 18-year cost of raising a child in for an urban family with two children in the North Central region is $25,560, based on a low-cost estimate."** Provision of services to keep this urban family together would not possibly cost the state another $100,000.

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* David Fanshel and Eugene B. Shinn, Dollars and Sense in the Foster Care of Children (New York: Child Welfare League of America, 1972), p. 20.

** Ibid., p. 21.

C. PROBLEMS AND SOLUTIONS - SERVICES

The Task Force believes that too many families become involved in the juvenile justice system under Welfare and Institutions Code Section 600. To avoid this, we recommend strengthening services prior to court intervention and developing "dependency avoidance" alternatives. Some services must be modified and additional services provided to allow for real "dependency avoidance."

Currently, all services to children and their families who potentially fall under Juvenile Court jurisdiction are delivered through County Social Services Departments. These services are delivered, for the most part, to families who already receive categorical aid, most of whom have developed a negative and often uncooperative attitude toward the social service department. Consequently, social service workers often find themselves unwelcome when they try to solve family problems and avoid Juvenile Court intervention by offering counseling and assistance. Regardless of the sincerity of the worker and the resources available, a barrier exists in services delivery because recipients view the worker as part of an oppressive welfare system. A separate identity for the worker is clearly needed. Services must be delivered by a new agency, not connected with economic assistance to children and their families. If this is done, families will be more receptive to "dependency avoidance" services. One effective "dependency avoidance" service for many children and their families is short-term voluntary out-of-home placement, while family and individual problems are addressed. However, voluntary placement is not even offered in some counties. Moreover, there are not enough sensitive, well-trained foster parents available who understand the difficulties of voluntary placement and are able to work with natural parents to solve problems that necessitated out-of-home placement. Often, children are placed far away from their families, making visiting impossible. Most important, voluntary placement is rarely available for families who are not receiving public assistance, because counties cannot afford it.

Short-term voluntary placement foster homes should be available to all troubled children and their families. In these homes, foster parents must promote contact between parent and child and help to relieve the guilt feelings often involved in placement. These homes must be close to the natural home to facilitate visiting and other interaction between parents and children. Social workers must see as the goal of this placement reuniting the family and resolving the problem at the earliest possible date. In order to insure the voluntary nature of this service, a placement agreement should be drafted and used throughout the state which clearly specifies that voluntarily-placed children will be returned to their parents upon request.

Clearly, foster home placement is desirable for some children but there is a shortage of qualified, knowledgeable families who can offer this care. Present licensing regulations are lax and allow almost any family to qualify for a license if their home meets the structural requirement, if they do not have TB, and are not criminals. As a result some foster parents cannot maintain a good relationship with the child and often feel punitive toward natural parents. These foster parents actually interfere with efforts to reunite families. The law should be revised to require a more comprehensive study by trained workers of potential foster parents, to check their ability to perform a difficult and emotionally draining task.

If the Task Force recommendations are accepted, children who become dependents and are placed in foster homes will have serious problems. Foster parents will be expected to perform as professionals and should be trained and paid as professionals. If raising board rates increases the supply of potential foster parents, the licensing worker can be more selective. Properly trained and dedicated foster parents must recognize that the goal of foster care is reunification of the natural family.

Often acceptable foster homes cannot be licensed because local ordinances prohibit them. Legislation should be enacted to allow a home to be licensed if it meets state standards regardless of local ordinance.

Families in crisis often need intervention, and when the life of a child is in danger, the child must be removed from the home. However, children are often removed from their homes after initial police contact when services could have prevented the break-up of the family unit. Removal of children from their home is traumatic and should be avoided if at all possible. In most situations involving abuse, neglect and molestation, police officers are first to see the problem, identify it as a problem and take action. They might take the child into custody, arrest the parent or do nothing. The first contact with these troubled families is crucial and sets the tone for future dealings between the family and agencies that provide services. It is tremendously difficult for the police to intervene into the lives of troubled families. Because of the delicate nature of family problems, specially trained personnel sensitive to the needs of these people should be responding to crises. Experiments with family crisis units have been successful in various communities. Trained personnel are better able to assess the crisis and do initial "patch work." After the initial contact, these officers can call upon other persons within the dependency avoidance service system who would immediately begin helping and counseling the family.

A clearinghouse should list the already known "dependency avoidance cases" in every county. Thus, a case could be cleared immediately and directed to professionals already involved with the family. The use of specially trained police crisis teams and a central index would make it easier for troubled families to receive follow-up services. The enormous expense involved in the present non-system, i.e., cost of arrests, cost of detention of children, court costs, cost of police time for testimony, cost of long-term, out-of-home placement, would be substantially lowered if this dependency avoidance process is put into effect.

The following additions would strengthen the present services system:

1. Children are often left alone with inappropriate adult supervision, abused, or neglected by parents who have no way of getting even a few hours relief from the task of parenting.
One obvious solution is to make day care facilities available to non-working parents for at least a few hours each day. This would allow the parents some much-needed freedom from child care responsibilities.

2. Public agencies currently allow much of the caseload in both protective services and treatment units to remain unsupervised for long periods of

time, as children are "banked" until a crisis develops. This outlook often forces unnecessary placements and masks serious problems. To avoid this neglect, county departments offering services to families should be mandated to fill staff vacancies as they occur.

3. Neighborhoods served by social services agencies vary greatly in composition but agency staffs are rarely community-oriented. As a result, many families are mistrustful of offers of service that could help them and keep their children out of the juvenile court process.

Title 45 of the Code of Federal Regulations requires the provision of a career ladder for para-professionals and an ". . . .appropriate number and proportion of sub-professional staff to professional staff. . . to make maximum use of sub-professional in the program operation."

Para-professional staff should be increased and supported by state funding to provide an effective and reliable bridge between the system and the community; recruit and maintain community resources as needed; participate with the social worker in solving specific family problems; participate in staff training and development programs to provide community background information to all levels of services staff; consult with staff members who need assistance on community problems.

Staff development programs are already mandatory for para-professionals and should be built into any program expansion.

4. Voluntary Placement is sometimes a useful resource when families start to disintegrate and children are neglected or physically abused. But, there are other families that should not be separated at all. Immediate action must be taken to heal these families.

A Family Helper can be most helpful in cases where placement prevention is indicated. The Family Helper could work in at least two situations: (1) To prevent placement of children whose parents do not know how to care for a home and children or manage money by spending time in the home each day educating and supporting the parents, and (2) To prevent placement of children whose parents have physically abused them. In this case the Family Helper actually cares for the whole family. Research has indicated that abusing parents are needy people who relate well to intensive intervention by a steady, caring individual.

In these situations, the Family Helper would act with a team of other professionals, such as psychiatrists, social workers, neighborhood aids, etc.

If these dependency avoidance services fail to maintain and strengthen the family, the case will most likely go to court on a 600 petition. The Task Force believes that most cases will be handled under dependency avoidance and only the most serious will have to go to court. To insure fairness when court action is indicated, procedural safeguards are necessary. In effect, the court must better define its role in dependency proceedings. Most importantly, the court should make certain when a case is referred for action, that services had been previously offered and either not accepted or ineffective in solving the family problems. In this way, the court will act as a check on the dependency-avoidance process and assure that it is used before a case comes to court.

D. TERMINATION PROCEEDINGS

In some cases in which the court intervenes, children will not be able to return home - no matter what services are provided to the child and the family. The law governing proceedings to "terminate" parental rights and declare children free from the care, custody and control of their parents (freeing them for adoption by a new family) is found in California Civil Code Section 232. The great majority of petitions under this section are brought by the county on behalf of children who have previously been declared dependents of the Juvenile Court under Welfare & Institutions Code Section 600. When a parent fails to visit or communicate with the child for a period of six months or more (while in foster placement) a legal presumption arises that the parent has intended to abandon the child. Thus, if the county Public Social Service Department or the Probation Department has failed to provide assistance to reunite the family, the ultimate result is a declaration of termination of parental rights.

Termination proceedings occur most frequently in those cases where there have not been any effective or affirmative efforts to reunite the family. Often, parents of dependent children are discouraged from maintaining and strengthening familial relationships by the Social Worker or Probation Officer on the ground that it is not in the best interests of the minor or because the provision of such services requires time, expense and effort on the part of the Social Worker or Probation Officer.

These failures result in increased expenses for the continuing care of the child, but more importantly, family ties are forever severed that would not otherwise be severed had appropriate services been offered or provided. This results not only in permanent breaking of the parent-child relationship, but it also frequently results in the breaking of sibling ties.

Since the ultimate goal is to reunite and maintain the family unit, all services needed should be available. A section 232 petition should not be sustained unless the family has been offered appropriate services to remedy the problems that led to placement and the services were either refused by the family or were ineffective. The petition should be sustained only when all available resources to reunite and maintain the family have been exhausted. The petitioning agency should prove either that the rehabilitative services were refused or that the problems could not be solved by services. If these services have been offered and failed, it is then in the best interest of the minor to be declared free from the care, custody and control of his parents, and placed for adoption.

Civil Code Section 232.5 declaring that the court should liberally construe the chapter to promote the best interest of the child should not be construed to mean that the child should be declared free merely because more deserving adoptive parents are available. Only after rehabilitative services have been offered and were ineffective or refused should Civil Code Section 232.5 be construed to mean that the parental relationship should be permanently severed. To construe the section otherwise allows the judge to impose his own subjective standards as to what is the "best interest of the minor."

Unfortunately, a number of social and economic factors operate within the present system to induce termination proceedings contrary to the ideal system described above. The most influentual factor is that there are now fewer adoptable children available to meet the demand of potential adoptive parents. Abortions are now easily obtained, birth control is freely practiced and there is no social stigma attached to the unwed mother who desires to keep her child.

Other factors may be that it is cheaper and easier to refer the child for a termination proceeding. If the petition is granted, the Social Worker caseload and the overloading of foster homes are decreased. "Termination" proceedings also provide the Social Worker with the mechanism for "bumping" (referring out) the more difficult cases when under pressure to reduce his caseload.

The combination of economic push and social pull has led some adoption agencies to engage in the practice of soliciting adoptable children. One such program in Los Angeles (recently disbanded due to pressure)was known as the "Reach out Project." This included a computer print-out of all dependent children who had been in foster home placement for six months. The Adoptions Worker then contacted the dependency worker assigned to the case in the hope of obtaining a referral for adoptive planning. Naturally, there was considerable pressure on the dependency worker to refer the case for termination proceedings.

The Task Force recommends that the law require the petitioning agency in termination proceedings to allege that every effort was made to reunite the family. If the allegations are contested, and if the petitioning agency does not prove that the necessary efforts at rehabilitation and reunification of the family were made, the petition should be dismissed.

Termination proceedings must not be used merely as a tool to move a child up the social ladder to more deserving parents. Rather, such proceedings should be looked upon as a declaration by social service agencies that they have done everything possible to reunite the family, have failed and see no likelihood of improvement in the future.

APPENDIX A

THE COURT SYSTEM

The following is a description of California Juvenile Court hearings in dependency and neglect cases. Only those hearings commented upon in this report are described.

DETENTION HEARING

In many dependency and neglect cases a minor is detained in "protective custody" before the filing of a petition in Juvenile Court. When a minor is so detained, Code requires that on the next judicial day a detention hearing be held.

The standard for detention of an alleged dependent or neglected child is an "urgent and immediate necessity for the protection of such minor."

The manner in which this hearing is conducted varies substantially from jurisdiction to jurisdiction. One crucial variable regards the nature of petitions filed in different jurisdictions. Some counties closely adhere to the intent of the Code and file petitions only where the alleged abuse or neglect is very serious and the family either refuses to cooperate with the agency or the services are not sufficient to solve the family problems.

At detention hearings in such counties, an "urgent and immediate necessity" for detention will exist. However, in other counties, where there is no investigation before the petition is filed, many detained cases that come before the court could be handled without the need for judicial intervention.

The Court gives substantial weight to the recommendation of the petitioning agency for the detention of the minor. Adjudication (the "trial" phase) occurs three weeks after detention. When the court assumes jurisdiction, the judge or referee usually decides what to do in the case (the "disposition phase") two weeks later. Therefore, the issue at the detention hearing is whether a minor will be separated from his mother and father for a minimum of five weeks.

In Los Angeles County the only evidence before the court at the detention hearing is a one page form called "Detention Report" by which the court proports to find "an urgent and immediate necessity for the protection of the minor" that he or she be detained pending further proceedings.

Some counties insist that there be a personal appearance at the hearing by some representative of the petitioning agency to put forth the agency's position. Many counties also insist that police reports concerning the referring incident be brought before the court for review. In some counties parents are entitled to present evidence at the detention hearing to rebut the claim of urgent and immediate necessity for detention. However, since parents have limited time to prepare a rebuttal and no opportunity to bring witnesses into the detention hearing to refute petitioner's evidence, this right is largely worthless.

At the conclusion of the detention hearing the court may order the child released to the parents, placed temporarily in the home of a relative, held in the detention facility or in an interim shelter care foster home.

ADJUDICATION

"Adjudication" in dependency and neglect cases is the trial proceeding. Statute authorizes the court to receive all relevant and material evidence with regard to the facts alleged, the truth of which must be sustained by a preponderance of the evidence. The petitioner bears the burden of going forth with the evidence. After petitioner has presented its case, the parents may then go forth in defense.

Representation at this phase varies substantially from jurisdiction to jurisdiction. In many counties, notably Los Angeles, the District Attorney proports to represent both the minor and the petitioning party. Other counties, such as San Diego, authorize separate counsel for the minor, recognizing that the interests of the minor and the petitioner are not identical. For example, a twelve year old minor may wish to be returned to his or her parents in a case where the petitioner is recommending foster home placement.

In petitions filed under Section 600, Subdivision D of the Welfare & Institutions Code (the abuse section) counsel is appointed to represent the parents when they are unable to afford counsel.

At the end of the adjudication, the court's decision is announced. The petition may either be sustained, sustained as amended, or dismissed. When a petition is sustained as amended, it indicates some, but not all, of the facts alleged have been proved.

If the petition is dismissed, the children are ordered released to the custody of their parents. If the petition is sustained the court may at that point review its decision about placement of the child pending disposition. For example, the court may take evidence and order a released child into detention, or take evidence and order a detained child released to his parents.

In some jurisdictions, by the time the adjudication date arrives, the petitioning agency has prepared its "Social Worker's Report" for consideration at the disposition hearing. In these jurisdictions, the disposition phase of the Juvenile

Court proceedings is normally held immediately following the adjudication. When no such report is prepared, the disposition hearing may be continued ten judicial days to receive the report and consider its contents.

DISPOSITION HEARINGS

The Welfare and Institutions Code authorizes the court to receive in evidence a Social Worker's or Probation Officer's Report. This report is intended to be a social history of the minor and family including a study of placement alternatives and long term planning along with a recommendation regarding placement. Throughout the state these reports are filled with hearsay and consequent inaccuracies. It is not unusual for a Social Worker to interview a police officer with regard to the referring incident and include the police officer's statement regarding what the parents' neighbors told him.

The Social Worker's Report is received in evidence and the petitioner can put forth any further testimony or evidence it desires. The petitioner bears the burden of proof with regard to the appropriateness of the recommendation contained in the report.

At the end of the disposition hearing, the court has the following alternatives: dismissal, placement in a foster home, placement in a relative's home, placement with the parents, and placement at home of parents with an order requiring therapy.

A case is dismissed when, although an initial incident warranted intervention, the family does not need the ongoing services of the court.

Placement alternatives are normally before the court at the time the disposition hearing. The petitioner and parents will often disagree as to the appropriate placement. When a petition has been sustained under the Welfare and Institutions Code Section 600(d) in which allegations of physical cruelty or abuse are set forth, the court may allow the child to remain home if the parents agree to undergo psychiatric therapy.

At the end of the disposition proceedings, statute requires that the case be set for "Annual Review" within one year. The court must advise the parents of their right to appear at the Annual Review hearing and show cause why court jurisdiction should be dismissed.

ANNUAL REVIEW

The Annual Review hearing usually occurs one year after the disposition and is the next time the case is before the court. At the Annual Review another Social Worker's Report is received into evidence. This report closely parallels that used in the disposition hearing. Although it does not delve into the social history of the family to the extent of the disposition report. This report is supposed to be a discussion of the progress of the family and the child during the period since the last hearing. The report recommends if jurisdiction should be terminated or placement changed. In those cases where continued jurisdiction is recommended, the Social Worker's report should set forth the plan for working with the family toward an early termination of Juvenile Court jurisdiction. This planning schedule is rarely included.

These reports merely narrate what has occurred in the past year and usually fail to set forth any plan for reuniting the family in the future. The tone and contents of these reports clearly reveal that after a finding of dependency, services are directed at maintaining the foster home placement and making that environment as suitable as possible for the children involved without any real effort to strengthen, modify, and reunite the natural family. The recommendations contained in these reports are frequently followed by the court.

At the Annual Review hearing the parents must prove why Juvenile Court jurisdiction should be terminated or placement altered. Testimony may be adduced from each side with regard to the relative recommendations of the parties before the court.

At the end of the hearing, the court announces its decision with regard to continuance or termination of jurisdiction and/or change in placement. If jurisdiction is continued the court is again under a duty to calendar the matter for another Annual Review within one year. Thus, a safety mechanism to assure that all dependency cases are reviewed yearly is built into the system. Unfortunately for children and their parents, this is not to say that the mechanism works.

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CHILD CARE TASK FORCE

ASSEMBLY SYMPOSIUM ON SERVICES TO CHILDREN AND YOUTH

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CHILD CARE--TABLE OF CONTENTS

Page

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS X1-2

II. INTRODUCTION X1-4

III. OVERVIEW X1-5

- A. Who Needs Child Care? X1-5
- B. What are Alternatives to State Funded Child Care? X1-6
- C. Why State Subsidized Child Care? X1-7
- D. What are the Problems in Child Care Delivery? X1-8

IV. CONCLUSIONS X1-10

I. SUMMARY OF FINDINGS AND RECOMMENDATIONS

After much discussion of the tremendous need in California for child care-family support services, the Child Care Task Force recommends a program similar in scope to the public schools which would be available to all families. The Task Force further recommends a commitment to a total program for all California children from birth to adulthood. Welfare concepts of family needs and piecemeal funding will not solve any of the problems discussed by the Symposium participants.

The Child Care Task Force also feels that the organization of a central state agency for child care is needed. This agency would handle child care funds and deal with all of the service delivery concepts involved in child care. The agency would be independent of all other departments and responsible solely to the Legislature and State administrative agencies, bureaus and departments.

Therefore, the Task Force recommends:

1. The establishment of a task force to explore the possible potential of and organization of a child care agency. Involved in this exploration would be a cost analysis of the agency.
2. That the participants on the task force represent a wide range of concerned people. Suggested representatives should be:
    a. A working mother - possibly a member of The League of Women Voters.
    b. A mother receiving welfare.

c. An economist familiar with social programs.

d. An administrator familiar with social programs, preferably state social programs.

e. A person not directly involved with child care - for the possible purpose of objective observation and comments.

3. That the Task Force be made up of at least two or three members of the original task force for the purpose of seeing that the original concepts are followed through.

II. INTRODUCTION

The Phase II Identification Workshop listed as a problem the continuing lack of custodial and developmental services for children whose parents cannot care for them for part of the day. Lack of facilities for such services was also highlighted by the Symposium participants. The Child Care Task Force explored insufficient child care services and strongly feels the need for a total commitment to all California children.

The Task Force feels that the tremendous monetary commitment necessary will be wisely spent helping families and small children live and grow properly in contrast to the tremendous monetary commitment now being made for California's unsuccessful remedial programs. Legislative courage is our one missing link.

A. WHAT IS CHILD CARE?

Child care is defined as any form of regular care for children, ages infant to 14 years, by persons other than relatives, and outside the child's home. In child care services there are special needs for:

1. Infants
2. Vulnerable children
3. Migrant children
4. Campus children
5. Children who need emergency care
6. Children who need care other than the usual working hours, such as evenings or weekends

4

III. OVERVIEW

A. WHO NEEDS CHILD CARE?

In discussing child care problems, a question that often comes up is who needs child care. Following is a listing of who needs child care and why:

1 - Reasons Why Children Need Child Care.

- A. Children need a clean, safe, comfortable environment.
- B. Children need proper health and nutritional care.
- C. Children need a chance to broaden their horizons through interaction with adults and children outside their home.
- D. Child care can give minority children and low-income children, especially those who do not speak English, or those whose parents are unable to prepare them for public schooling, expanded opportunities in society.
- E. Child care can provide emotional developmental guidance to children.

2 - Reasons Why Parents Need Child Care.

- A. Child care centers provide a place for parents to meet other parents and gain parenting support. This is especially true for new parents.
- B. Child care gives parents an opportunity to have their children well taken care of while they attend school or training classes, or work to enhance their family life.
- C. Child care provides a place for parents to have their children looked after during a family crisis.
- D. Parents want their children to develop skills and to obtain broader experiences which could enhance what the children learn at home.
- E. Parents, at times, may need to use child care centers simply for a short break from parenting.

3 - Reasons Why the Community Needs Child Care.

A community is a composite of all the people who reside there; therefore, a person's problems, sorrows, accomplishments, and rejoicings make up the community. The health, safety and happiness of a community depend upon the health, safety and happiness of all members of the community; therefore, child care benefits the community in the following ways:

A. Parents in the community can use child care facilities to take care of their children while they go out into the community to work, attend school or train to make their life and their community better.

B. The children in community supported child care centers have a chance to interact with the community, adults, and other child members, resulting in a more aware and socially capable individual.

C. Child care can provide parents who have marital or other family problems with care for their children while they seek counseling. Hopefully, this counseling would result in a more stable family.

In summary, child care is a need resulting from social conditions and requirements generated by the family complex. If this service is unavailable children, parents, the community, and society at large is harmed.

B. WHAT ARE ALTERNATIVES TO STATE FUNDED CHILD CARE?

Parents who for some reason are not eligible for state funded programs or have no such programs available, must rely on the following methods of child care:

1. Children cared for by members of the immediate family.
2. Children cared for by friends and neighbors.
3. Parent cooperatives.

4. Industrial child care centers for those employed by such industries.

5. Children left alone.

Some of the above methods are not necessarily ineffective or bad, but child care is left up to the arrangements that can be made by the parents. There is little or no guarantee to the child or parent that the care contains those elements which compose an adequate method of child care. There is little or no security for parents relying on these methods, with the exception of most cases of care provided to children by the industries employing their parents.

C. WHY STATE SUBSIDIZED CHILD CARE?

State subsidized child care is the one method available that could possibly make quality child care available to all those who need care.

The advantages of a state funded child care delivery system are that clear and available guidelines can be set up for quality child care throughout the state. Relevant monitoring and progress reviewing systems could be established to see that this level of quality is maintained.

Most important of all, state funds may be appropriated on a constant basis so that child care centers can maintain the desired high quality standards and continuing service. This desired level of quality should include, among other things, the following items, not necessarily in order of priority:

1. Proper health screening.
2. Nutrition.
3. Clean, safe, healthy and comfortable environment.

4. Educational and emotional development.

5. Parent involvement and counseling.

6. Community involvement.

7. Well-paid staff, with a workable knowledge of child growth and development.

8. 24-hour service, when needed.

9. Crisis service, when needed.

10. Methods of both in-service and pre-service staff training.

11. Training provided for parents and Family Day Care Mothers.

12. Parent and child grievance channels.

13. Information and social service referral for families.

14. Child care should be flexible in order to be able to work with special people and conditions, i.e., infant care, handicapped, drop-in children, sick children.

15. Child care on the local level should be able to work with the community to assess problems.

16. Quality child care services should be available to everyone who needs them.

D. WHAT ARE THE PROBLEMS IN CHILD CARE DELIVERY?

The current delivery system has many problems which make it impossible to deliver quality child care to all those who need it.

Among those problems are the following:

1. Community involvement and awareness of their need for child care is too low.

2. Parent involvement and awareness of available child care potential is also extremely low.

3. There is a definite lack of funds.

4. There is a constant reorganization of state offices resulting in a harmful lack of continuity of personnel.

5. There are no precise and centrally available guidelines.

6. There is a lack of communication between child care givers and the funding departments.

7. Programs which would like to serve the entire community are limited. Those persons who are not on welfare but cannot afford child care are not served. Present guidelines now give financial assistance to past, present, and potential welfare recipients.

8. Current monitoring and review methods, where they exist, are irrelevant in seeing that the needs of the community are served.

9. Child care agencies compete for funds in a manner which does not serve the needs of children, rather than working together to form a quality method of child care throughout the state.

The recommendations of the Task Force for a method of working on the solutions to these problems are stated in Chapter 1, "Summary of Findings and Recommendations." Quality child care services should be available to every child who needs them.

IV. CONCLUSIONS

If child care services are to be successful, there must be a commitment to a total program for all California children. Legislative courage is needed to ensure that commitment. We believe that the present pressures on families require California to supplement traditional patterns of rearing children by providing child care and related social services.

Some people say that child care should be provided only to welfare recipients who are going to train for or maintain employment. We say that the State of California should take the lead and provide child care to its families on the basis of their need and ability to pay.

Some people say that providing child care contributes to the break-up of families. We say that a child care system can ensure and nurture the physical and mental well-being of children and strengthen family life.

Some people say that the availability of child care encourages women to avoid their responsibility as mothers and seek out-of-home occupations. We say that child care can be oriented to increase the well-being of the child within the family.

Some people say that a state-sponsored child care system is a major step toward socialism. We say that the state has a primary responsibility to strengthen family life and guarantee the future well-being of the state.

We could finance such a child care system through the use of state and local funds and fees. We could provide for the maximum use of federal funds and encourage the use of local revenue sharing funds for child care based on community need.

Our child care policy is based on the conviction that lack of adequate care during the early, formative years of a child's life costs the state's taxpayers more in financing corrective, punitive and remedial programs for youth and adults than would the financing of a child care program concerned with prevention through its emphasis on quality child care as a supplement to and an enrichment of the care available by the family. An artist is primarily interested in the beauty of an art object, rather than the varying motives of its viewers. So we are primarily interested in the well-being of the state's children and families, rather than the varying motives of child care users.

The special needs in caring for children outside the home are tremendous. We can begin to meet these needs through the establishment of a Task Force charged with the responsibility of investigating the organization of a child care agency.

An independent child care agency can begin to systematically handle funds and deal with all aspects of the delivery concepts involved in child care. The agency can develop the best system of delivery in California and determine priorities for delivery of needed services.

Overcoming indifference to inadequate child care and establishing a state commitment to early childhood development programs is imperative. Not to have this commitment damages the children in our communities who desperately need child care services.

APPENDIX

Children Under the Law

HILLARY RODHAM

Children's Defense Fund

The author examines the changing status of children under the law. Traditionally, the law has reflected a social consensus that children's best interests are synonymous with those of their parents, except under the few circumstances where the state is authorized to intervene in family life under the doctrine of parens patriae. *Little consideration has been given to the substantive and procedural rights of children as a discrete interest group. At present, law reform is moving to change children's legal status in two ways: by extending more adult rights to children and by recognizing certain unique needs and interests of children as legally enforceable rights. Ms. Rodham summarizes recent Supreme Court decisions which will influence changes of both kinds, and suggests specific directions reform might take.*

The phrase "children's rights" is a slogan in search of definition. Invoked to support such disparate causes as world peace, constitutional guarantees for delinquents, affection for infants, and lowering the voting age, it does not yet reflect any coherent doctrine regarding the status of children as political beings. Asserting that children are entitled to rights and enumerating their needs does not clarify the difficult issues surrounding children's legal status. These issues of family autonomy and privacy, state responsibility, and children's independence are complex, but they determine how children are treated by the nation's legislatures, courts, and administrative agencies.

This paper briefly sets out the legal conception of children's status underlying American public policy and case law, and suggests various ways in which this conception needs major revision. There are important new themes emerging in the

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interpretation of children's status under the law, and several new directions which future litigation and legislation in the interest of children might take. Of particular interest is the trend toward recognizing children's needs and interests as rights under the law.

Attributing a right to a person may involve describing an existing relationship or prescribing the formation of a new one. The prescriptive aspect of right represents a moral judgment about how particular interests should be ordered so that certain ones will be given priority over others. The recent literature on children's rights is filled with such prescriptions, based on arguments from political, legal, and moral philosophy. Rarely, however, do the writers mention the important differences between an existing legal right and other claims of right. A legal right is an enforceable claim to the possession of property or authority, or to the enjoyment of privileges or immunities.[1] Moral prescriptions and political demands, on the other hand, are not formally recognized by the law and have the status of needs or interests, not rights. Adult Americans enjoy the legal rights set forth in the Constitution, statutes, regulations, and the common law of the federal and state governments.[2] Child citizens, although their needs and interests may be greater than those of adults, have far fewer legal rights (and duties). Indeed, the special needs and interests which distinguish them from adults have served as the basis for not granting them rights and duties, and for entrusting enforcement of the few rights they have to institutional decision-makers.

Current Legal Status of Children

"Children" is sometimes a term of legal classification, but it is more common to find the legal categories of "infancy" or "minority" describing people under twenty-one, or under eighteen for some purposes. The status of infancy, or minority, largely determines the rights and duties of a child before the law regardless of his or her actual age or particular circumstances. Justifications for such a broad, chronologically determined classification rely on the physical and intellectual differences between adults and children.

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[1] Defining "right" apart from the general usage which the term enjoys is difficult. The best attempt to unravel the jurisprudence of rights and to elucidate the various meanings which it has acquired in the law is Wesley Newcomb Hohfeld's analysis in *Fundamental Legal Conceptions* (New Haven: Yale University Press, 1919). The definition used here is drawn from the Compact Edition of *Oxford English Dictionary*, v. II, pp. 2546-2547 (New York: Oxford University Press, 1971).

[2] As one commentator described adult rights: ". . . today liberty has been extended so far as *the law alone* may extend it to all adults, white or black, male or female, rich or poor, intelligent or stupid; subordinate relations to private persons must be consensual relations and probably cannot, under the Thirteenth Amendment and common law limitations on the freedom to contract, be total." Andrew Jay Kleinfeld, "The Balance of Power Among Infants, Their Parents and the State, Part II," *Family Law Quarterly*, 4 (December 1970), 409, 410.

There is obviously some sense to this rationale except that the dividing point at twenty-one or eighteen years is artificial and simplistic; it obscures the dramatic differences among children of different ages and the striking similarities between older children and adults. The capacities and the needs of a child of six months differ substantially from those of a child of six or sixteen years.

In eighteenth century English common law, the term children's rights would have been a nonsequitur. Children were regarded as chattels of the family and wards of the state, with no recognized political character or power and few legal rights. Blackstone wrote little about children's rights, instead stressing the duties owed by "prized possessions" to their fathers.[3] Early American courts accepted this view.[4] In this country children have long had certain rights resulting from their attainment of some other legal status, such as parties injured by tortfeasors, legatees under wills, or intestate successors. Even these rights, however, can be exercised only vicariously through adult representatives. Older children have a few additional legal rights, granted by statutes which reflect some legal recognition of their increased competence. Examples include the right to drive a motor vehicle, the right to drop out of school, the right to vote, the right to work, and the right to marry (although before a certain age marriage can be voided in the absence of parental consent). The doctrines of emancipation and implied emancipation release a child from parental control following his or her marriage, after entering military service, or after achieving economic independence or meeting another statutory definition of maturity. Finally, the Supreme Court has held on a few occasions, and with greater frequency in recent years, that the Constitution requires recognition of particular rights of children, among them the right to certain procedural protections in juvenile courts,[5] the right to refuse to salute the flag in the public schools when doing so would violate religious beliefs.[6] and the right to don a black armband to protest the Vietnam war.[7]

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[3] William Blackstone, *Commentaries on the Laws of England*, Vol. I, 12th ed. (London: A. Strahen and W. Wordfall for T. Caddell, 1700-1795).

[4] See, e.g., James Kent, *Commentaries on American Law*, Vol. I, 14th ed. (Boston: Little Brown, O. W. Holmes ed., 1873).

[5] *Haley v. Ohio*, 332 US 596 (1948) (protection of Fourteenth Amendment against coerced confession extended to fifteen year old boy in state criminal trial); *Kent v. US*, 383 US 541 (1966) (waiver from juvenile court to adult court has to meet minimum requirements of due process); *In re Gault*, 387 US 1 (1967) (adult procedural protections in criminal trial extended to delinquency proceedings); *In re Winship*, 397 US 358 (1970) (quantum of proof necessary for conviction in juvenile court raised to reasonable doubt standard).

Beyond such instances, the law's concern with children has been confined to those occasions when the state may limit parental control in the interest of necessary protection or justifiable punishment of the child, or in the name of some overriding state interest. The theory of benevolent intrusion into families by the state seems to embody a contradiction. On the one hand, it operates within the context of a powerful social consensus that the proper relationship between parents and the state in their joint exercise of control over a child's life favors parental dominance. On the other hand, the doctrine of *parens patriae* has long justified state interference with parental prerogatives and even termination of all parental rights.

The social consensus that forms the first half of this apparent contradiction includes the following assumptions: a) America is a familial, child-centered society in which parents are responsible for their own children and have primary control over them, b) the community of adults, usually represented by the state, will not assume responsibility for the child unless the parents are unable to do so or will not do so, or until the child breaks a law; c) because ours is a child-loving society, non-parents and other adults representing the state want to and will do what is in the child's "best interests"; and d) children need not or should not be participants with the family and the state in making decisions which affect their lives. The tenets of this consensus, legitimized in the rules of law governing children's affairs, have represented outer limits beyond which child-oriented reforms cannot be effected. The other half of the apparent contradiction, however, involves regular challenges to family authority by state representatives. Certain social norms are enforced at the expense of family privacy, in the name of a child's best interests.

The most striking characteristic of children's law is the large degree of discretion permitted decision-makers in enforcing community norms. When intervention must occur, bureaucratic discretion replaces familial discretion. The statutes authorizing state intervention implicitly accept that the state's representative will know what children need and should not be straight-jacketed by legal technicalities. For example, laws against child neglect or abuse represent a community's decision to intervene in a parent-child relationship. Although the legislative decision favoring intervention may be widely supported, it proves difficult to specify the condi-

[6] *Board of Education v. Barnette,* 319 US 624 (1943).

[7] *Tinker v. Des Moines School District,* 393 US 503 (1969).

tions under which it should occur. Our pluralistic beliefs about child-rearing do not lead to a uniform interpretation of the best interests standard. The allowance of some degree of discretion is necessary for any legal system to operate, especially one presumed to deal with the specialized needs of its subjects. When few standards guide the exercise of discretion, however, and when there rarely are careful reviews of the judgments it produces, the legal system will not only be likely to treat individuals capriciously, but will also subject members of social minorities to the prejudices and beliefs of the dominant sector of the community.[8] This is especially true in children's law, where reservations against state intervention are most easily overcome in cases involving poor, non-white, and unconventional families. Children of these families are perceived as bearers of the sins and disabilities of their fathers, and as burdens which an "enlightened" society must bear.[9] This attitude is especially prominent in regard to the labelling of certain behavior as delinquent. In addition to acts which are criminal for adults (e.g. armed robbery), children may be accused of delinquency for misbehavior that is not criminal for adults. The so-called status offenses, incorrigibility, truancy, running away, sexual precociousness, represent a confused mixture of social control and preventive care that has resulted in the confinement of thousands of children for the crime of having trouble growing up.

In practice, therefore, powerlessness of a family, because of political, psychological, or economic reasons, renders it susceptible to benevolent intrusion. Unfortunately, the state has not proved an adequate substitute parent in many of the cases where intrusion has resulted in the removal of a child from his home. In many instances, states have been guilty of neglect according to their own statutory standards. Fears about arbitrary and harmful state intervention have led to increased rights of parents and custodians so that they are now entitled to certain procedural guarantees before the state may remove their children.[10] Only recently, however, has attention focused on the rights of the children who are the subjects of state intervention, both against their parents and against the state when it assumes the parenting responsibility. This attention is struggling for legal recognition against the prevailing assumption in children's law that a child's interests are identical to those of his parents. Even when a child cannot or will not recognize the identity of his interests with his parents', the law ordinarily does so, confident that children usually do not know what is best for themselves. Necessarily, the law must presume that parents or the state as parent do know what is best. The force of this position is weakened by the fact that adults consistently refuse to support programs designed to meet the needs and interests of children either when they are still in their homes or when they are in the state's charge. As a recent history of the White House Conference on Children points out, this country has a "cultural recalcitrance toward assuming public responsibility for children's needs."[11]

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[8] The amount of discretion necessary in a legal system handling children's needs is very difficult to determine, especially because the options for the exercise of any discretion are so limited by inadequate resources. But the abuses of discretion are well documented. See, e.g. Sanford N. Katz, *When Parents Fail* (Boston: Beacon Press, 1971).

[9] See, e.g., Ten Broek, "California's Dual System of Family Law: Its Origins, Development and Present State," *Stanford Law Review*, 16 (1964), 257; Anthony Platt, *The Child Savers* (Chicago: University of Chicago Press, 1969), pp. 176-181.

[10] See, e.g., *Stanley v. Illinois*, 405 US 645 (1972).

Rewriting laws has not substantially altered the long dominant consensus or dissipated public recalcitrance. The thrust of most reforms, amply supported by demonstrations of children's needs has been to persuade adult society to treat children better, but has not changed the position of children within society or made them capable of securing such treatment for themselves.[12]

Claims of Right

The needs and interests of a powerless individual must be asserted as rights if they are to be considered and eventually accepted as enforceable claims against other persons or institutions. The advocacy of rights for children, coming as it does on the heels of adult rights movements, highlights the political nature of questions about children's status. That children's issues are political may seem obvious. Political theorists from Plato onward have sought to specify proper child-rearing practices and have discussed the proper position of children within society, often coming to conclusions inconsistent with the prevailing American ones.[13] In the United States, the problems of children have usually been explained without any consideration of children's proper political status. Accordingly, the obstructionist role of the unstated consensus and the laws reflecting it has seldom been appreciated. The pretense that children's issues are somehow above or beyond politics endures and is reinforced by the belief that families are private, non-political units whose interests subsume those of children.[14] There is also an abiding belief that any official's failure to do what is best by a child is the exception, not the rule, and is due solely to occasional errors of judgment.[15] Moreover, nothing countervails against this pattern, since children are almost powerless to articulate their own interests or to organize themselves into a self-interested constituency and adults allied with them have seldom exerted an appreciable influence within the political system.

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[11] Shelley Kessler, unpublished paper on the past White House Conferences on Children (New Haven, Conn.: Carnegie Council on Children, 1972).

[12] For histories of various child-saving reforms, see Platt, *The Child Savers*; Robert M. Mennell, *Thorns and Thistles* (Hanover, N.H.: University Press of New England, 1973); Robert J. Pickett, *House of Refuge* (Syracuse: Syracuse University Press, 1969); Sanford Fox, "Juvenile Justice Reform: An Historical Perspective," *Stanford Law Review*, 22 (1970), 1187.

[13] Plato, *The Republic*, 235-264 (New York: Oxford University Press, 1945); Aristotle, *Politics*, 32-33, 316 (Sherman ed.; New York: Oxford University Press, 1962); J. Locke, *Treatise on Civil Government*, 34-50 (Sherman ed.; New York and London: Appleton Century, 1937); J. S. Mill, *On Liberty* (Chicago: Henry Regnery, 1955).

The basic rationale for depriving people of rights in a dependency relationship is that certain individuals are incapable or undeserving of the right to take care of themselves and consequently need social institutions specifically designed to safeguard their position. It is presumed that under the circumstances society is doing what is best for the individuals. Along with the family, past and present examples of such arrangements include marriage, slavery, and the Indian reservation system. The relative powerlessness of children makes them uniquely vulnerable to this rationale. Except for the institutionalized, who live in a state of enforced childishness, no other group is so totally dependent for its well-being on choices made by others. Obviously this dependency can be explained to a significant degree by the physical, intellectual, and psychological incapacities of (some) children which render them weaker than (some) older persons. But the phenomenon must also be seen as part of the organization and ideology of the political system itself.[16] Lacking even the basic power to vote, children are not able to exercise normal constituency powers, articulating self-interests to politicians and working toward specific goals. Young children in particular are probably not capable of organizing themselves into a political group; they must always be represented either by their parents or by established governmental or community groups organized to lobby, litigate, and exhort on their behalf. The causes of younger children have not fared well, partly because these representatives have loyalties diluted by conflicts between children's rights and their own institutional and professional goals. Older children have organized themselves politically with some success, especially on the issues of the eigh-

[14] For a discussion of the reasons why the family, as one of society's private units, is not properly a subject for political analysis, see Sheldon Wolin, *Politics and Vision* (Boston: Little Brown, 1960).

[15] For the argument that the exception is the rule, see Justine Wise Polier, "Problems Involving Family and Child," *Columbia Law Review*, 66 (1966), 305, 306.

[16] Dean Roscoe Pound suggested in a 1916 article, "Individual Interests in the Domestic Relations," *Michigan Law Review*, 14 (1916), 177, 186-87, that the law deprived children of their bargaining power so as to promote social values, like family unity.

teen-year-old vote, civil liberties of school students, and anti-war activities, but they too have relied heavily on the support of adults. "Successful" reforms on behalf of children—the establishment of juvenile courts, the institution of public schooling, the passage of child labor laws—were effected only after vigorous political struggles.

While these legal reforms may now seem, in the light of revisionist histories,[17] to have been catalyzed by questionable motives, they did give children certain legally enforceable rights not previously held. Moreover, these reforms signalled some change in general public attitudes about children.

Whenever reforms have been enacted, however, the rights they provide are those which the state decides are in the best interests of the public and the child. Age and ability differences have not been entirely ignored, but the use of chronological dividing lines to mark legal distinctions has continued. Nor has the child been given any choice in the exercise of his rights; they are compulsory, not susceptible to waiver. Thus all children below a certain age are forbidden to work, regardless of individual desire, aptitude, and need.[18] Similarly, all children below a certain age are required to attend school.[19] Finally, the institutions created to embody and enforce these rights are endowed with essentially unchecked discretion. Therefore, even though special juvenile proceedings, exemption from work, and compulsory attendance are all rights in the strict sense of legally enforceable claims against the state or third persons, neither their rationales nor their implementation provide models for the rights movement.

Present claims of right follow two general approaches: advocating the extension of adult rights to children, and seeking legally enforceable recognition of children's special needs and interests. The first approach is exemplified by proposals for extending all the rights of adult criminal defendants to accused delinquents, proposals for empowering children to request medical care without parental consent, and proposals for providing a child with legal representation in any situation where his interests are affected. Such rights may either be extended in the precise form exercised by adults, as in recent legislation lowering the voting age, or they may be tailored to special characteristics of children. Tailoring is found in court decisions holding that children have rights of freedom of expression under the First Amendment while at the same time taking children's immaturity and dependent status into account in defining the scope of those rights. Tailored standards are used to regulate exposure to obscenity,[20] authorize medical treatment without parental consent,[21] and determine circumstances under which a child's contract may be binding.[22] Even rights which appear to be extended whole cloth to children, with the exception of the right to vote, do not seem to escape modification in practice.

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[17] See footnote 12.

[18] In *Prince v. Massachusetts*, 321 US 158 (1944), the Supreme Court held that the application to Jehovah's Witnesses of a state statute providing that no boy under twelve and girl under eighteen should sell periodicals on the street was constitutional The child involved in the case, a nine-year-old girl, had been selling religious literature with her guardian; both were members of the sect; the child testified as to her religious beliefs; and the guardian was convicted of violating the state Child Labor Law.

[19] When the United Nations General Assembly promulgated the right of every child to a compulsory education in its *Declaration of the Rights of the Child*, a delegate reportedly asked how a person could be given a right that he was compelled to exercise.

Modification apparently occurs not only because of the actual physical and psychological differences between children and adults, but also because of the discretion in legal proceedings involving children and because adults finally determine what seems best. These practical constraints on extending adult rights to children are illustrated by the experience of the juvenile court system in guaranteeing the right to counsel, as granted by the Supreme Court in *In re Gault.* A study of the actual implementation of *Gault* revealed:

> The views of lawyers about the rights of children differ quite fundamentally from those expressed by the Supreme Court and academics. Lawyers apply different standards to juvenile clients, because they are children, not necessarily because lawyers have been constrained by the courts' welfare orientation. A lawyer typically has conscientious reservations about helping a juvenile to 'beat a case,' and, if a case is won on a technicality, he feels obliged personally to warn his client against the danger of future misconduct.[23]

Thus, even the child's own lawyer will likely go beyond the scope of his professional responsibility in determining for himself and for the child where the child's best interests lie.

The second approach to children's rights begins with the belief that even if all adult rights were granted to children and were strictly enforced, this would not guarantee that certain critical needs unique to children would be met. This line of reasoning is reflected in the various bills of rights which have been proposed for children, each unveiling a blueprint for the child's fullest development.[24] These "need manifestos" proclaim the rights of children to adequate nutrition,[25] a healthy environment,[26] continuous loving care,[27] a sympathetic community,[28] intellectual and emotional stimulation,[29] and other prerequisites for healthy adulthood. Although a child may be entitled to such rights under theories of natural law or moral philosophy, most claims based on psychological and even physical needs are not yet considered legal rights by our system. Even though such rights are beginning to achieve some recognition, particularly in judicial decisions concerning education and psychological treatment, their scope and content raise troublesome questions.[30] Given the great difficulty of specifying psychological prerequisites and devising workable governmental responses for meeting them, a distinction should perhaps be made between claims focusing on psychological needs and those specifying physical ones, because the latter are more easily defined. Many of us might agree that a child should have the right to "grow up in a world free of war,"[31] or to live in a "reconstituted society,"[32] but who should the law hold responsible for seeing that those rights are enforced? Or, how should a "right to be wanted" be defined and enforced? Doubtless there are definitions of these socio-psychological rights,[33] but if the law attempted to incorporate them, the necessarily broad and vague enforcement guidelines could recreate the hazards of current laws, again requiring the state to make broad discretionary judgments about the quality of a child's life. Moreover, the limits of the legal process itself would tend to undermine the integrity and effectiveness of such laws. These limits are rarely appreciated.

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[20] See, e.g., *Ginsberg v. New York*, 390 US 629 (1968).

[21] In many states children are allowed to seek treatment for venereal disease and drug addiction without parental permission or knowledge.

[22] Although the general rule remains that a child is not liable for his contracts, it is riddled with exceptions; e.g., when the contract is for "necessaries."

[23] This quote is from the summary of two studies that Anthony Platt participated in as reported in his book, *The Child Savers*, p. 167; footnote 108 on page 166. See also, the discussion in *Handbook for New Juvenile Court Judges*, 23 (Winter 1972), pp. 14-15, as to whether or not a juvenile judge has to strictly follow the rulings of the Supreme Court. Even though disregard of Court rulings is not uncommon in adult proceedings, it is there accomplished informally and less visibly, rarely dignified by the professional journals, and confined mostly to critiques of the law, not invitations and rationales for ignoring it.

[24] See generally, Mary Kohler, "The Rights of Children," *Social Policy*, 39 (March/April, 1971); Paul Adams *et al.*, *Children's Rights: Toward the Liberation of the Child* (New York: Praeger, 1971); Henry H. Foster and Doris Jonas Freed, "A Bill of Rights for Children," *Family Law Quarterly*, 6 (1972), 343.

[25] *WHERE*, April 1971, publication of Advisory Centre for Education in Cambridge, England.

[26] Joint Commission on Mental Health of Children, *Crisis in Child Mental Health: Challenge for the 1970's* (New York: Harper & Row, 1969, 1970), pp. 3-4.

[27] *Crisis in Child Mental Health.*

[28] 1930 White House Conference on Child Health and Protection.

[29] *Crisis in Child Mental Health*, pp. 3-4.

[30] For examples of right to education and treatment cases, see: *Pennsylvania Association for Retarded Children v. Pennsylvania*, 343 F. Supp. 279 (E.D. Pa. 1972); *Mills v. Board of Education*, 348 F. Supp. 866 (D.D.C. 1972); *Wyatt v. Stickney*, 325 F. Supp. 781 (1971); 334 F. Supp. 1341 (1972).

[31] Adams, *et al.*, *Children's Rights*, p. 41.

[32] See Joseph Goldstein, Anna Freud, Albert J. Solnit, *Beyond the Best Interests of the Child* (New York: The Free Press, 1973), for a thoughtful discussion of the concept of a "wanted" child and suggestions for incorporating it into the law.

[33] *Crisis in Child Mental Health*, pp. 3-4.

> There is attributed to the law a magical power, a capacity to do what is far beyond its means. While the law may claim to establish relationships, it can, in fact, do little more than acknowledge them and give them recognition. It may be able to destroy human relationships, but it cannot compel them to develop.[34]

It is important to recognize the limited ability of the legal system to prescribe and enforce the quality of social arrangements.

Although many special claims of rights are far from legal recognition, some perhaps fundamentally unsuited for it, this does not mean they should be dismissed as "meaningless exhortations."[35] The law is not unresponsive to societal values, and decisions are frequently influenced by notions of conventional morality, occasionally reflecting acceptance of changing morality. In recent years, courts have become somewhat more willing to ask whether children should have additional rights, and if so, how might they be secured. The concept of right is constantly in ferment and Constitutional theory may eventually be expanded to include at least some quality of life claims as citizenship rights. New statutes with enforcement and review mechanisms aimed at limiting state abuses of power may also create such guarantees.

Exemplary Supreme Court Decisions

Judicial decisions concerned with questions of children's rights provide one means for examining relevant legal opinions and conclusions. Because the Supreme Court has been active in this regard and because it remains the final arbiter of the Constitution, it is valuable to review a few of its recent decisions in the field of children's rights. These opinions, sometimes holding with the children's movement, sometimes against, reveal to what extent a more favorable judicial view of children's rights is emerging. Consideration of children's rights before the Supreme Court has primarily been in the areas of education, child welfare, and juvenile court procedures. The Court has avoided "taking the easy way" with a flat holding that all rights constitutionally assured for adults may be extended to children.[36] Instead, it has carefully tried to carve out an area between parental dominion and state prerogatives, where certain adult rights can be extended to children under specific circumstances. The Court has also tried to fashion modified versions of other rights.

[34] Joseph S. Goldstein, "Finding the Least Detrimental Alternative," *Psychoanalytic Study of the Child* 628, at 637 (1972).

[35] *Juvenile Justice Standards Project*, Final Report Planning Phase, 1971-72 (New York: Institute of Judicial Administration, 1972), 72.

[36] *McKeiver v. Pennsylvania*, 403 US 528, 545 (1971).

This delicate operation of inserting new elements into the control-of-children equation began during the compulsory schooling controversy. From the first confrontations between parents and the state, education has been the subject of continuous and often bitter struggles, primarily over the proper social role of education and the proper treatment of children within the schools. In enforcing state schooling laws, the Supreme Court took care to reinforce the parental right of supervision over their children's education.[37] The education cases reaching the Supreme Court, including the desegregation cases, reflect this emphasis. The significance of early education cases in regard to children's rights, however, rests more on what the Court did *not* consider than what it did consider in its deliberations: "These cases never mention rights or interests of children involved. Since they rest entirely on a doctrine of parental right, the question whether the parent may not be loyal to the interests of his child is not discussed."[38] Neither, the author might have added, was any question about the state's loyalty to the interests of the child raised.

But one of the first specific children's rights precedents, *Brown v. Board of Education*, occurred in the area of education.[39] In *Brown*, the Court held that the Constitutional rights of black school children were violated by segregated education and emphasized the critical importance of education both to children and to the general public:

> Today education is perhaps the most important function of state and local government . . . it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust professionally to his environment. In these days it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all children.[40]

Brown's regard for rights in education and its willingness to enforce those rights with affirmative action mark it as a significant precedent.

Like the public education legislation, laws governing juveniles charged with violations of the law have assumed the benevolence of state action. For a long time these statutes and the case law interpreting them provided no substantive or procedural guarantees for the child. Before the 1960's only a few courts held that the Constitution required recognition of a child's right to procedural protections in

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[37] See, e.g., *Meyer v. Nebraska*, 262 US 390 (1923); *Pierce v. Society of Sisters*, 268 US 510 (1925).
[38] Kleinfeld, Part II, 418.
[39] *Brown v. Board of Education*, 347 US 483 (1954).
[40] *Brown*, 493.
[41] *In re Gault*, 387 US 1 (1967).

any kind of case, civil or criminal. Most courts continued to follow the non-recognition rule implicitly sanctioned by the social consensus.

In 1967 the Supreme Court decided *In re Gault*,[41] the landmark case on procedural rights in juvenile court and still the most famous children's rights case. *Gault* held that children in juvenile court were constitutionally entitled to certain due process guarantees previously granted only to adults in criminal court: a) notice (to both parent and child) adequate to afford reasonable opportunity to prepare a defense, including a sufficient statement of the charge; b) right to counsel, and if the child is indigent, provision for the appointment of counsel; c) privilege against self-incrimination; and d) right to confrontation and cross-examination of witnesses. The Court restricted its holding to precisely these procedural guarantees and not others. It also limited the guarantees to those juveniles facing possible commitment to a state institution. But *Gault* declared, generally, that "neither the Fourteenth Amendment nor the Bill of Rights is for adults alone."[42] This and similar language in the opinion suggested future grounds for arguing the constitutional rights of children. In the six years since *Gault*, the Court has continued to hear children's rights cases with mixed and at times incongruous results. The Court has decided that children are "persons" under the Constitution[43]; it has removed some of the disabilities traditionally imposed upon illegitimate children[44]; it has protected the exercise of some First Amendment rights of students in the public schools[45]; and it has upheld the constitutionality of the eighteen-year-old vote.[46] On the other hand, during this same short span, the Court has denied that jury trials for alleged delinquents in juvenile court are Constitutionally required[47]; it has declined to review a lower court decision upholding the right of school systems to use corporal punishment for disciplinary purposes[48]; it has rejected the claim, *Brown* notwithstanding, that there is a fundamental, personal right to education under the Constitution[49]; and it has generally revealed an unwillingness to pursue the broad promise of *Gault*.

The Court's present reluctant mood is reflected in Justice Blackmun's plurality opinion in *McKeiver v. Pennsylvania*,[50] in which the Court refused to hold that jury trials for juveniles are constitutionally required. Justice Blackmun acknowledged the many defects of the juvenile court system, but denied that they were of "constitutional dimension."[51] He gave the Court's sanction to the juvenile court's rehabilitative goals:

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[42] *Gault*, 13.
[43] *Tinker v. Des Moines School District*, 393 US 503, 515 (1969).
[44] See, *Levy v. Louisiana*, 391 US 68 (1968); *Weber v. Aetna Casualty and Surety Company*, 406 US 164 (1972).
[45] *Tinker*.
[46] *Oregon v. Mitchell*, 400 US 112 (1970).
[47] *McKeiver v. Pennsylvania*, 403 US 528 (1971).
[48] *Ware v. Estes*, 328 F. Supp., 657 (N. D. Tex. 1971), *cert. den.* in 409 U.S. 1027.
[49] *San Antonio Independent School District v. Rodriguez*, 93 S. Ct. 1278 (1973).

> The juvenile court concept held high promise. We are reluctant to say that, despite disappointments of grave dimensions, it still does not hold promise, and we are particularly reluctant to say, as do the Pennsylvania petitioners here, that the system cannot accomplish its rehabilitative goals.[52]

The present inability of the system to realize its goals was attributed by the plurality to inadequate resources, rather than to any inherent unfairness in the juvenile court system. As one commentator noted:

> To say that these shortcomings resulted from lack of resources rather than inherent unfairness seemed irrelevant to those who realized that until such shortcomings were rectified, regardless of their source or cause, there could be no justification for failing to afford juveniles facing incarceration and stigma the same procedural rights accorded adults accused of crime.[53]

The plurality's answer to that criticism again indicates the Court's reluctance:

> If the formalities of the criminal adjudicative process are to be superimposed upon the juvenile court system, there is little need for its separate existence. Perhaps *ultimate disillusionment* will come one day, but for the moment we are disinclined to give impetus to it.[54]

Thus the present Supreme Court appears to have "limited efforts toward the 'constitutional domestication' of juvenile procedures begun during the Warren Court years."[55] This same post-*Gault* restraint can be found in the areas of welfare law and education.

In a 1972 Supreme Court case, *Jefferson v. Hackney*, Justice Rehnquist, writing for the majority, held it consistent with both the Constitution and the Social Security Act that the state of Texas could provide a lower standard of welfare benefits to recipients of AFDC than to eligible or disabled persons receiving welfare assistance under the Act.[56] The federal program for Aid to Families with Dependent Children is this country's most comprehensive child welfare legislation. Under the program, the care and protection of needy children has been entrusted to states and localities, who in turn have usually relied heavily on private voluntarism. The rights and duties of children under resulting programs have been adjudicated primarily by state courts, with patchwork results. Consequently, to evaluate the status of dependent children the laws and court decisions of fifty states must be examined. A less exhaustive but more manageable approach is to explore congressional and Supreme Court reactions to the problems of dependency, also complex but at least enabling certain generalizations. In passing AFDC legislation the Congress admitted that some children needed assistance because of their family's financial status. They have periodically qualified that admission, however, with a number of value judgments about reasons for a family's poverty. State governments have been given considerable discretion in screening potential welfare recipients and in policing their conduct. The Supreme Court has brought constitutional standards into the process. One result of the Court's decision has been to ensure that irrational state rules against parental behavior would not be allowed to interfere with the rights of dependent children to minimum financial security.

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[50] *McKeiver v. Pennsylvania*, 403 US 528 (1971).

[51] *Id.*, 547-48.

[52] *Id.*, 547.

[53] Note: "Parens Patriae and Statutory Vagueness in the Juvenile Court," *Yale Law Journal* 82 (1973), 745, 753.

[54] *McKeiver*, 550-551.

[55] Note, 82 Yale L.J., 745, 746.

In *Jefferson v. Hackney* the Burger Court refused to "second guess" state officials charged with the difficult task of administering welfare and brushed aside the argument that children might suffer irreparable harm from insufficient welfare benefits.

> Applying the traditional standard of review under that [14th] Amendment, we cannot say that Texas' decision to provide somewhat lower benefits for AFDC recipients is invidious or irrational. Since budgetary restraints do not allow the payment of the full standard of need for all welfare recipients, the state may have concluded that the aged and infirmed are the least able of the categorical grant recipients to bear the hardships of an inadequate standard of living. While different policy judgments are of course possible, it is not irrational for the state to believe that the young are more adaptable than the sick and elderly, especially because the latter have less hope of improving their situation in the years remaining to them. Whether or not one agrees with this state determination there is nothing in the Constitution which forbids it.[57]

Setting aside issues of constitutional and statutory interpretation, Justice Rehnquist's view that the state's decision to provide needy and eligible children an inadequate standard of living was "not irrational" reveals a grim adherence to the convention that the authorities know what they are doing and will not harm the children whose needs they are charged with meeting. In this opinion there is also a heavy dose of the old-time belief that for the young, however poor, survival is only a bootstrap away. Justice Marshall, in a vigorous dissent, asserted that the Texas policy was inconsistent with a congressional finding in the legislative history of the AFDC Act: "Many of these children will be seriously handicapped as adults because as children they are not receiving proper and sufficient food, clothing, medical attention, and the other bare necessities of life."[58]

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[56] *Jefferson v. Hackney*, 406 US 535 (1971).
[57] *Id.*, 549.

The logic of *Jefferson v. Hackney* was extended in the recent education case, *San Antonio Independent School District v. Rodriguez.*[59] That case arose out of the claim that the Texas method of financing public education through the property tax, which resulted in widely varying per pupil expenditures, violated the constitutional rights of students in San Antonio's poorest, lowest tax base district to equal protection of the laws and to education itself. The Supreme Court denied the claim, reversing a three-judge Texas district court. Writing for the majority, Justice Powell held first that the students of the school district in question were not a suspect class under the Equal Protection Clause, and thus were not entitled to a strict judicial review of the Texas financing scheme, and second that the Constitution provides no explicit right to education, nor can education be construed as an implicit, fundamental right under the Constitution, "essential to the effective exercise of First Amendment freedoms and to the intelligent utilization of the right to vote."[60] Instead, the majority held that the importance of education for the effective exercise of rights is arguably less than the significance of adequate food, clothing, and housing, none of which are constitutionally protected rights.[61] Thus the Court declined to invalidate the Texas scheme, leaving the matter of educational finance to the discretion of the state:

> The very complexity of the problems of financing and managing a statewide public school system suggest that 'there will be more than one constitutionally permissible method of solving them,' and that, within the limits of rationality, 'the legislature's efforts to tackle the problems' should be entitled to respect.[62]

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[58] *Id.*, 581.
[59] *San Antonio Independent School District v. Rodriguez*, 93 S.Ct. 1278 (1973).
[60] *Id.*, 1298.
[61] *Id.*, 1299.

Justices White, Brennan, Marshall, and Douglas dissented, asserting that invalidation of the Texas scheme was compelled. They each gave somewhat different reasons for disagreeing with the majority opinion, but four reasons predominated. First, some took direct issue with the argument that education is not a fundamental, Constitutionally recognized interest, "inextricably linked to the right to participate in the electoral process and the rights of free speech and free association guaranteed by the First Amendment." Instead, it was argued that "any classification affecting education must be subjected to strict judicial scrutiny,"[63] i.e., the state must prove that the financing system does *not* discriminate against poorer students and their parents. Second, the school children in poorer districts and their parents are indeed a suspect class under the Fourteenth Amendment because they are allocated school funds under the Texas law on the basis of wealth, and therefore the strict scrutiny standard applies.[64] Third, regardless of wh[illegible] a fundamental right to education exists, there are rights in education, once the state has undertaken to provide it, which, under *Brown*, "must be made available to all on equal terms."[65] Finally, even if plaintiffs are not a suspect class, education not a fundamental right, and the *Brown* test not controlling on the issue of educational finance, the Texas law must meet the rationality test of the Fourteenth Amendment. While Texas's objective in preserving local control over the public schools is a constitutionally permissible one, the financing scheme is not rationally related to it because it accords " 'different treatment . . . to persons placed by a statute into different classes on the basis of criteria wholly unrelated to the objective of that statute.' "[66]

In the *Rodriguez* case, the Court was unwilling to restrict the scope of the state's discretion by defining the educational needs and interests of children as rights. Even when the Court is prepared to limit state control, however, it often avoids formalizing the status of such needs and interests. Decisions are inclined to follow the traditional formula of balancing the state's interests with those of the parents, simply assuming that these reflect what is best for the child. This method was employed by the Court in *Wisconsin v. Yoder*,[67] even though in that case the children whose interests were at stake had the capacity to evaluate their interests for themselves. It was by no means evident that the interests of the children were identical

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[62] *Id.*, 1301-2.
[63] *Id.*, 1312 (J. Brennan's dissent).
[64] *Id.*, 1336 (J. Marshall's dissent).
[65] *Id.*, 1339 (J. Marshall's dissent).
[66] *Id.*, 1314 (J. White's dissent).
[67] *Wisconsin v. Yoder*, 406 US 205 (1972).

to those of their parents. *Wisconsin v. Yoder* involved a challenge by several Old Order Amish parents to Wisconsin's statute which imposed an affirmative duty on parents to require their children to attend high school, and made violation of this duty a crime. Three parents, Mr. Yoder, Mr. Miller, and Mr. Yutzy, claimed that the compulsory school law violated their religious freedom and that of their children. Only one of the children, however, actually testified in court that she shared her parents' religious views and did not wish to continue to attend school. The other two children did not testify.

Chief Justice Burger, writing for the majority, upheld the right of the Amish parents to exemption from the statute. The opinion held that this exemption was necessary to promote free exercise of religion. The Chief Justice took pains to distinguish the genuine religious claims of the Amish from those of others who merely had unconventional life styles and might also be tempted to seek such a First Amendment exemption from compulsory schooling laws.[68] Having made this distinction, the majority opinion then reaffirmed the Amish parents' rights to control the upbringing of their children—to the point of depriving them of an advanced, worldly education.

Justice Douglas took a different and ground-breaking view of the case. He joined the Court's opinion only regarding the schooling of the child who had publicly subscribed to her parents' religious objections.[69] As to the children of the other two defendants, Justice Douglas dissented from the majority. He held that the majority opinion was inadequate because these defendants had raised their children's religious beliefs in defense but had not brought their children to testify. Reviewing various cases holding that "children themselves have constitutionally protectible interests,"[70] Douglas asserted first that the critical interests at stake were those of the children, not those of their parents, and second that the dispute could not be properly resolved until the children had represented their own interests in court.

> I agree with the Court that the religious scruples of the Amish are opposed to the education of their children beyond the grade schools, yet I disagree with the Court's conclusion that the matter is within the dispensation of parents alone. The Court assumes that the only interests at stake in the case are those of the Amish parents on the one hand, and those of the State on the other. The difficulty with this approach is that, despite the Court's claim, the parents are seeking to vindicate not only their own free exercise claims, but also those of their high-school-age children. . . .

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[68] *Id.*, 215-219.
[69] *Id.*, 243.
[70] *Id.*, 243.
[71] *Id.*, 241-42, 44-46.

> On this important and vital matter of education, I think the children should be entitled to be heard. While the parents, absent dissent, normally speak for the entire family, the education of the child is a matter on which the child will often have decided views. He may want to be a pianist or an astronaut or an oceanographer. To do so, he will have to break from the Amish tradition.
>
> It is the future of the student, not the future of the parents, that is imperilled in today's decision. . . . It is the student's judgment, not his parent's, that is essential if we are to give full meaning to what we have said about the Bill of Rights and of the right of students to be masters of their own destiny. If he is harnessed to the Amish way of life by those in authority over him and if his education is truncated, his entire life may be stunted and deformed. The child, therefore, should be given an opportunity to be heard before the State gives the exemption which we honor today.[71]

Douglas based his opinion not only on available legal precedents, but on psychological and sociological findings that children of the relevant ages possess the moral and intellectual judgment necessary for making responsible decisions on matters of religion and education. To rebut the presumption that children lack sufficient maturity to make such decisions, Douglas relied on the works of Piaget, Kohlberg, Kay, Gesell, and Ilg. He also argued that "the maturity of Amish youth, who identify with and assume adult roles from early childhood . . . is certainly not less than that of children in the general population."[72]

The majority opinion does not deal with the merits of Douglas' views; it only notes that the children are not parties to the litigation.[73] Only two justices, Brennan and Stewart, acknowledged in their concurring opinions that the issues raised by Douglas "are interesting and important."[74] They agreed with the majority, however, that these issues should not be before the Court because "there is no suggestion whatever in the record that the religious beliefs of the children here concerned differ in any way from those of their parents."[75] This statement reiterates the presumption of identity of interests between parent and child, and here the consequences of acting in accord with the family's religion may be quite different for children than for their parents.

Establishing the Rights of Children

These opinions illustrate two persistent, general problems of legal theory which children's rights advocates seek to overcome. First, legal policy is ambivalent about the limitation of parental control and the assertion of state control over children. There is an absence of fair, workable, and realistic standards for limiting parental discretion and guiding state intervention. Second, the state generally fails to evaluate a child's independent interests, giving a competent child the chance to articulate his interests for himself.

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[72] *Id.*, 245-246, footnote 3.
[73] *Id.*, 230-31.
[74] *Id.*, 237 (Justices Brennan and Stewart concurring).
[75] *Id.*, 237.

Ascribing rights to children will not immediately solve these problems, or undermine the consensus which perpetuates them. It will, however, force from the judiciary and the legislature institutional support for the child's point of view. As was once said, in another context: "rights to have any meaning must adhere to particular institutions: the rights of Englishmen are indeed, necessarily more secure than the 'Rights of Man.' "[78] Children's rights cannot be secured until some particular institution has recognized them and assumed responsibility for enforcing them. In the past, adult institutions have not performed this function, partly, as we have seen, because it was thought children had few rights to secure. Unfortunately, the institutions designed specifically for children also have failed to accomplish this aim, largely because they were established to safeguard interests, not to enforce rights, on the assumption that the former could be done without the latter.

Securing children's rights through the legislatures and the courts will include generating new lines of legal theory, grounded in past-precedent but building on it to more reasonable laws and legal interpretations for the future. Certain interesting legal theories have been introduced already, which are being utilized by children's rights advocates in pressing further claims, and which, if accepted, could resolve the theoretical problems outlined above. While the resolution of theoretical problems may not eliminate the main obstacles to the enforcement of children's legal rights or to the creation of services to meet their needs, it will at least strip away the legalistic camouflage surrounding the continuing problems of unchecked discretion, inadequate resources, and widespread public indifference.

As stated earlier, claims of rights for children fall into two broad categories: claims that the rights which adults enjoy be granted to children, and claims that the special needs and interests of children be recognized as rights. Legislation granting rights in either category probably is preferable to judicial opinions decreeing them, but both governmental branches should be pressed to reexamine and revise children's status under the law. Legal positions will contribute to a new social attitude toward children's rights.

Turning to the first strategy for obtaining new rights, the following three positions focus attention on the independent status of children: a) the legal status of infancy, or minority, should be abolished and the presumption of incompetency reversed; b) all procedural rights guaranteed to adults under the Constitution should be granted to children whenever the state or a third party moves against them, judicially or administratively; and c) the presumption of identity of interests between parents and their children should be rejected whenever the child has interests demonstrably independent of those of his parents (as determined by the *consequences* to both of the action in question), and a competent child should be permitted to assert his or her own interests.

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[78] Bernard Crick, *In Defense of Politics* (London: Penguin Books, 1962), p. 58.

Devising acceptable arguments to support recognition of special rights based on physical and psychological needs is more difficult. Rather than specifying particular needs that the legal system could meet, the following suggestions concern a methodology for constitutionalizing such rights and a procedural device for overseeing the needs of children for whom the state assumes primary responsibility. The strictures of the new equal protection theory should apply to children, i. e., classifications of children *qua* children, or of certain classes of children, should be considered suspect, and needs which from a developmental standpoint are fundamental should be protected as fundamental interests under the Constitution. Also, in areas where decision makers will necessarily continue to exercise discretion they should no longer just be guided by the best interests of the child standard, but should be subjected to a review process which focuses not only on the child but also on the state's responsibility as a substitute parent.

These arguments will now be discussed more fully.

Abolition of minority status

Age may be a valid criterion for determining the distribution of legal benefits and burdens, but before it is used its application should be subjected to a test of rationality. Assessing the rationality of age classifications could be expedited by legislative abolition of the general status of minority and adoption of an area-by-area approach (as has already been done to a degree, for example, in the motor vehicle statutes). It could also be accomplished by judicial declaration that the present classification scheme is over-inclusive, after which the state would bear the burden of justifying its restrictions on infants. As Foster and Freed point out, "... the arguments for and against perpetuation of minority status have a familiar ring. In good measure they are the same arguments that were advanced over the issues of slavery and the emancipation of married women."[77] The abolition of slavery and the emancipation of married women did not automatically invest previously "inferior" persons with full adult citizenship rights, but the state at least had to begin to rationalize its treatment of those groups. The abolition of minority, more justifiably, need not mean that children become full-fledged miniature adults before the law. Their substantive and procedural rights could still be limited or modified on the basis of supportable findings about needs and capacities at various ages.

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[77] Foster and Freed, p. 343.

If the law were to abolish the status of minority and to reverse its underlying presumption of children's incompetency, the result would be an implicit presumption that children, like other persons, are capable of exercising rights and assuming responsibilities until it is proven otherwise. Empirical differences among children would then serve as the grounds for making exceptions to this presumption and for justifying rational state restrictions. For example, in his dissent in *Wisconsin v. Yoder*,[78] Justice Douglas presumed that the children involved in the case were intelligent and mature enough to express opinion when their interests were affected. In essence, Douglas reversed the presumption of incompetency. He then looked for evidence to contradict the presumption of competency and when he found none, he argued that the children should be given full rights as parties to a lawsuit. If the children involved had been younger, Douglas might have concluded that the presumption of competency should have been suspended. However, young children are known to possess strong opinions on some issues, and many such opinions may have a rational basis. In custody suits, for example, many states now require that the opinions of children over twelve be followed and that the opinions of younger children be accepted as evidence in a case. Feelings of the young should at least be recorded and weighed. This argument is reinforced by the fact that very young children have at times been found competent to give evidence in trials where adult interests are at stake.

The difference between a rebuttable presumption of incompetency and a presumption of competency is that the former places the burden of proof on children and their allies, while the latter shifts it to the opponents of changing children's status. Many legislatures now regard the presumption of incompetency as rebuttable and are legislatively removing some of children's legal disabilities. When Congress and the states extended the right to vote to eighteen-year-olds through the Voting Rights Act of 1970 and the Twenty-Sixth Amendment to the Constitution, they went through the process of reversing the presumption of incompetency regarding enfranchisement. Through hearings and other fact finding procedures, a majority of Congressmen and state legislators were persuaded by available evidence that the presumption should be rebutted, and voting rights granted in the same form enjoyed by adults.

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[78] See pp. 504-505 in text; *Wisconsin v. Yoder*, 406 US 205, 240-246.

Granting all procedural rights

The argument for this position is simple. A child is now considered a person under the Constitution. When the State moves against persons and threatens to take away their liberties or otherwise affect their interests adversely, they are entitled to the protective procedures of the Bill of Rights, as applied to the states through the Fourteenth Amendment. As the late Mr. Justice Black said, concurring in *In re Gault:*

> When a person, infant or adult, can be seized by the State, charged, and convicted for violating a state criminal law, and then ordered by the State to be confined for six years, I think the Constitution requires that he be tried in accordance with the guarantees of all the provisions of the Bill of Rights made applicable to the States by the Fourteenth Amendment. . . . Appellants are entitled to these rights not because 'fairness, impartiality, and orderliness—in short, the essentials of due process'—require them and not because they are 'the procedural rules which have been fashioned from the generality of due process,' but because they are specifically and unequivocably granted by provisions of the Fifth and Sixth Amendments which the Fourteenth Amendment makes applicable to the States.
>
> Undoubtedly this (entitlement to Constitutional guarantees) would be true of an adult defendant, and it would be a plain denial of equal protection of the laws—an invidious discrimination—to hold that others subject to heavier punishments could, *because they are children*, be denied these same constitutional safeguards.[79]

The only effective means for securing these Bill of Rights guarantees in our current legal system is by the provision of legal counsel. Although the introduction of the adversarial system into juvenile court proceedings is deplored by many, lawyers representing children should ensure three critical prerequisites for fairness. First, they can articulate and argue the child's position, even though filtered through their own adult and professional perspectives. Second, they can require that the law be strictly followed. And third, they can make new law in the area by appealing cases and lobbying for statutory changes. Independent counsel for children should not be restricted to children accused of delinquency, but should be required in any case where a child's interests are being adjudicated. The courts must become more sensitive to such cases, recognizing that children in neglect or custody proceedings may have interests independent of their parents or the state.

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[79] *In re Gault*, 387 US 1, 61 (1967). Cf., also, J. Douglas's dissent joined by J. Black and J. Marshall in *McKeiver v. Pennsylvania* arguing the same point.

Substitution of an evaluation of consequences for the implied identity of interests between parents and children

This point was treated clearly and at length by Justice Douglas in his opinion in *Wisconsin v. Yoder.*[80] Only one aspect of the arguments requires further stress. Justice Douglas chided the majority for subsuming the rights of school children under their parents' rights, and for not giving the children the opportunity to be heard. Justice Douglas might have added that the majority presumed an identity of religious opinions was the same as an identity of interests. In general, it is not clear whether the implied identity of interests operates as a legal presumption or only a permissible assumption in the absence of contrary evidence. Regardless, the values it represents should be treated only as an assumption, and in cases of potential conflict between parent and child the consequences to the child of parental action or inaction should be considered. Where the consequences appear irreversible, the assumption should be discarded in favor of an extrafamilial decision that takes into account the opinions of all interested parties. If the consequences seem reversible or insubstantial, the assumption that the parent knows best should probably continue to govern.

Application of the new equal protection theory

The Equal Protection Clause of the Fourteenth Amendment guarantees that all people similarly situated will be treated alike by the state. The Supreme Court and lower federal courts use two standards of judicial review for assessing the constitutionality of state action under this clause. Under traditional equal protection analysis, a state has broad discretion to classify persons, so long as the classification bears a reasonable relationship to a permissible state objective. The measure of reasonableness is "the degree of its success in treating similarly those similarly situated."[81] A classification, under this standard, is unreasonable if it is over- or under-inclusive or in some other way not rationally related to the achievement of a legitimate state objective. Under the so-called new equal protection analysis, the state bears the burden of justifying its classification on grounds of a "compelling state interest" whenever that classification is suspect because of its effects on the group of persons in the class or whenever it seems to be in conflict with a fundamental personal interest. The Supreme Court has been restrained in its use of this strict form of judicial review.

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[80] See, pp. 504-505 in text.

[81] Tussman and Ten Broek, *The Equal Protection of the Laws, Selected Essays 1938-62*, 789 (1963).

The argument for defining various developmental needs of children as fundamental interests is well-stated, with respect to education and AFDC benefits, in the opinions of Justices Marshall and Brennan, quoted above.[82] Under their test of fundamentality, a child's need or interest only has to be shown to relate to "the effectuation of those rights which are in fact constitutionally guaranteed."[83] Thus, ". . . as the nexus between the specific constitutional guarantee and the non-constitutional interest draws closer, the non-constitutional interest becomes more fundamental and the degree of judicial scrutiny applied when the interest is infringed on a discriminatory basis must be adjusted accordingly."[84] The argument that certain types of children form suspect classifications is also made in the dissenting opinion of Justice Marshall in the *Rodriguez* case, with respect to poor children living in low tax base school districts.[85] The courts already recognize as suspect those classifications based on race,[86] national origin,[87] alienage,[88] indigency,[89] and illegitimacy.[90] Thus, application of the doctrine to poor school children is arguably within its traditional scope. The *Rodriguez* majority disagreed with this application, however, apparently on the theory that economic deprivation is suspect only when actual or functional indigency obtains and not when there is "comparative poverty vis-a-vis comparative affluence."[91] Some courts have found classes of retarded or handicapped children suspect, which supports strict judicial scrutiny of the state's treatment of them.[92]

There is less support for the contention that children *qua* children should be treated as a suspect class, but an argument may be constructed using the original rationale for suspect classifications. The suspect character of classifications based on racial or ethnic characteristics or wealth differentiations originated in the recognition that certain groups of persons comprise "discrete and insular"[93] minorities who are relatively powerless to protect their interests in the political process. The use of age as a classifying characteristic has rarely been questioned.

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[82] See, pp. 502-503 in text.

[83] *Rodriguez*, 41 LW 4407, 4426.

[84] *Id.*, 4426.

[85] *Id.*, 4441.

[86] See, e.g., *Brown v. Board of Education*, 347 US 483 (1954); *McLaughlin v. Florida*, 379 US 184 (1964).

[87] See, e.g., *Oyama v. California*, 332 US 633 (1948).

[88] See, e.g., *Graham v. Richardson*, 403 US 365 (1971).

[89] See, e.g., *Griffin v. Illinois*, 351 US 12 (1956).

[90] *Weber v. Aetna Casualty & Surety Company*, 406 US 164 (1972).

[91] *Rodriguez*, 93 S. Ct. 1278, footnote 6, 1311 (Stewart, J. concurring); see the majority opinion discussion, 1290-94.

[92] See, e.g., *Colorado Association for Retarded Children v. Colorado*, C.A. No. C-4620 (N. Colo., filed Dec. 22, 1972).

In his dissent to the Supreme Court case upholding the constitutionality of the eighteen-year-old vote in federal elections, Justice Stewart flatly asserts that: "The establishment of an age qualification is not state action aimed at any discrete and insular minority."[94] But age categories should be open to scrutiny for some of the same reasons well established suspect classifications are. The assumption that age qualifications are generally rational is not borne out by much of the evidence about the abilities of children at various ages and developmental stages before twenty-one. Thus, a group discriminated against on the basis of age could constitute a discrete and insular minority if their access to the political system were limited solely because they were young. They might possess the requisite rationality to participate, but be forbidden to do so. If this were the case, then they would be a suspect minority and state action affecting their interests should be required to demonstrate a compelling governmental interest in maintaining legal disabilities. If, however, some or all of the members of the age-defined minority were not rational or mature enough to participate in the political process, then state action affecting them should also be subjected to strict judicial scrutiny, because of their powerlessness. On the basis of either set of conclusions about children's abilities, the state should no longer be allowed to assume the rationality of regulations based on age, and should at least be required to justify its action on the basis of modern legislative or administrative findings. Under the new equal protection doctrine, it would additionally have to demonstrate a compelling state interest in its legislative objective.

Moving away from the "best interests" standard

The argument against the continued reliance on the "best interests" standard has particular reference to instances of state intervention when a child is "neglected," "dependent," "abused," "in need of supervision," or "wayward." The statutory descriptions fitting these labels are imprecise, often deliberately so, in order that concerned state agents will not be hampered in their efforts to free a child from an unhealthy or dangerous family environment. Some children, of course, do suffer incalculable harm while in the custody of their parents, and the community should protect these children from the harm which would result were parental discretion left unchecked. But the unchecked discretion of the state has vices of its own. The best interests standard, initially followed in most state interventions and explicitly used as the standard for adjudicating children's interests in proceedings evaluating parental care, is not properly a standard. Instead, it is a rationalization by decision-makers justifying their judgments about a child's future, like an empty vessel into which adult perceptions and prejudices are poured. It does not offer guidelines for how adult powers should be exercised. Seductively, it implies that there is a best alternative for children deprived of their family. This implication prevents both the decision-maker and those to whom he is accountable from carefully weighing the possible negative impact of any decision.

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[93] The quote is from *United States v. Carolene Products Co.*, 304 US 144, 152, n. 4 (1938). See generally the discussions in *Serrano v. Priest*, 5 Cal. 3d 584, 487 P 2d. 1241, 1265 (1971); Note, "Developments in the Law-Equal Protection," *Harvard Law Review* 82 (1969) 1065, 1124-26; Merle McClung, "School Classification: Some Legal Approaches to Labels," *Inequality in Education*, 14 (July 1973), pp. 17-37.

[94] *Oregon v. Mitchell*, 400 US 112 (1970).

Recognizing the weaknesses of the best interests standard, Professor Joseph Goldstein has suggested another guideline for decision-makers in custody cases: "that which is least detrimental among available alternatives for the child."[95] Although this guideline may appear only a semantic change, Goldstein argues that:

> Introducing the idea of 'available alternatives' should force into focus from the child's vantage point consideration of the advantages and disadvantages of the actual real options to be measured in terms of that which is least likely to preclude the chances of the child becoming 'wanted.' The proposed standard is less awesome, more realistic, and thus more amenable to relevant data gathering than 'best interest.' No magic is to be attributed to the new formulation, but there is in any new set of guiding words an opportunity at least for courts and agencies to re-examine their tasks and thus possibly to force into view factors of low visibility which seem frequently to have resulted in decisions actually in conflict with 'the best interests of the child.'[96]

Goldstein's guideline may result in a new focus on the probable harm of state intervention into a parent-child relationship, but it still falls short because it does not specify the standards which should govern such intervention. The principles which compete whenever there are efforts to draft workable standards are not amenable to any comfortable resolution.

Sentiment against state intervention stems from the state's poor record in caring for children removed from their families. Restricting state intervention to instances where there is evidence of physical abuse would eliminate from judicial jurisdiction cases of emotional or psychological neglect. Ironically, reaction against state intervention in cases of non-physical abuse is consistent with consensus romanticism about the family, accepting as inevitable that families can deny children rights. Even though state interference with family privacy should be minimized because of the state's unwillingness, or inability, to care for children as well as most families

[95] Goldstein, "Finding the Least . . . ," p. 633.
[96] Goldstein, "Finding the Least . . . ," p. 637.

do, the state, representing the community of adults, has the responsibility to intervene in cases of severe emotional deprivation or psychological damage if it is likely that a child's development will be substantially harmed by his continued presence in the family. The state not only has the responsibility to intervene, but to nurture the child after intervention. The absence of a commitment to post-intervention care does not necessarily negate the reasons for the original intervention. Some children, even in these days of inadequate services, do benefit from a temporary or permanent removal from their families.

The principal challenge lies in determining which children could benefit from removal. Standards that limit the amount of discretion vested in decision-makers must be drafted. This will involve specifying acceptable reasons for intervention and providing workable review mechanisms for both the initial decision and the child's placement. Intervention should be allowed only after the state has attempted to provide services for the child and his parents aimed at ameliorating the conditions of neglect. Only medically justifiable reasons for intervention should be acceptable. Such reasons should include inadequate psychological care, as in cases of children presenting symptoms of maternal deprivation or severe emotional disturbance. Parental behavior that does not result in medically diagnosable harm to a child should not be allowed to trigger intervention, however offensive that behavior may be to the community.

A common complaint about the exercise of discretion in neglect cases is that alien values, usually middle-class, are used to judge a family's child-rearing practices. One way to answer that complaint is to entrust the discretion necessary for evaluating a child's needs to persons representing the milieu in which a family lives. Boards composed of citizens representing identifiable constituencies—racial, religious, ethnic, geographical—could make the initial decision regarding intervention or review judicial decisions. Additionally, they should be responsible for periodically reviewing placements and making recommendations about terminating parental rights. The board membership should include parent and professional representatives, perhaps children as well. Decisions to intervene and to terminate parental rights should require a three-fourths vote to overcome the presumption against intervention. Membership might be elected and should rotate often to avoid institutional calcification. Providing a check on judicial and bureaucratic discretion, this form of community involvement also might broaden the constituency of adults actively concerned about services for children. Without an increase in community involvement, the best drafted laws and most eloquent judicial opinions will merely recycle past disappointments.